

# Business Week Index

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**Tuesday**  
**December 27, 1983**

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## Selected Subjects

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

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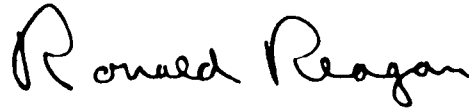
The President

**Revised List of Quarantinable Communicable Diseases**

By the authority vested in me as President by the Constitution and laws of the United States of America, including Section 264(b) of Title 42 of the United States Code, it is hereby ordered as follows:

**Section 1.** Based upon the recommendation of the National Advisory Health Council and the Assistant Secretary for Health of the Department of Health and Human Services, and for the purposes of specifying certain communicable diseases for regulations providing for the apprehension, detention, or conditional release of individuals to prevent the introduction, transmission, or spread of communicable diseases, the following named communicable diseases are hereby specified pursuant to Section 264(b) of Title 42 of the United States Code: Cholera or suspected Cholera, Diphtheria, infectious Tuberculosis, Plague, suspected Smallpox, Yellow Fever, and suspected Viral Hemorrhagic Fevers (Lassa, Marburg, Ebola, Congo-Crimean, and others not yet isolated or named).

**Sec. 2.** Executive Order No. 9708 of March 26, 1946, Executive Order No. 10532 of May 28, 1954, and Executive Order No. 11070 of December 12, 1962, are hereby revoked.



THE WHITE HOUSE,  
December 22, 1983.



# Presidential Documents

Title 3—

Proclamation 5141 of December 22, 1983

The President

## Imports of Petroleum and Petroleum Products

By the President of the United States of America

### A Proclamation

The Secretary of Energy has advised me that no purpose is currently served by the existing system of licensing of imports of petroleum and petroleum products. The Secretary of Energy also recommends that I retain the current prohibition on imports of Libyan crude oil into the United States, its territories and possessions, which was adopted in Proclamation No. 4907, on the ground that such imports would be inimical to the United States national security. The Secretary further recommends that he continue to monitor imports of petroleum and petroleum products in order to be able to advise me as to the need for further action, as appropriate, under Section 232 of the Trade Expansion Act of 1962, as amended.

I agree with the recommendations of the Secretary of Energy.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, by the authority vested in me by the Constitution and laws of the United States, including Section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862), do hereby proclaim that:

**Section 1.** Proclamation No. 3279, as amended, is revoked.

**Sec. 2.** The Secretary of Energy shall continue to monitor imports of petroleum and petroleum products and shall, from time to time, in consultation with the Secretary of State, the Secretary of Commerce, and such other federal agencies as he deems appropriate, review the status of such imports with respect to the national security. The Secretary shall inform the President of any circumstances which in his opinion might indicate the need for further action by the President under Section 232 of the Trade Expansion Act.

**Sec. 3.** (a) No crude oil produced in Libya may be imported into the United States, its territories or possessions.

(b) The Secretary of the Treasury may issue such regulations and interpretations as he deems necessary to implement this section.

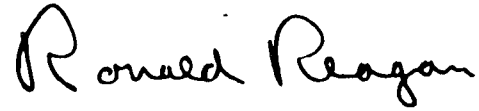
**Sec. 4.** The Secretary of Energy may continue to consider requests for refund of fees paid under Proclamation No. 3279, as amended, if such requests were filed with the Secretary prior to the effective date of this Proclamation. Any such requests shall be considered in accordance with the previously applicable provisions of Proclamation No. 3279, as amended, and implementing regulations thereunder.

**Sec. 5.** The revocation of Proclamation No. 3279, as amended, shall not affect the authority of any federal department or agency to institute and conduct any administrative, civil or criminal audit, investigation or proceeding based on any act committed or liability incurred while that Proclamation was in effect.

**Sec. 6.** The revocation of Proclamation No. 3279, as amended, shall not affect the presently applicable tariff rates for imports of petroleum and petroleum products, as reflected in the Tariff Schedules of the United States, Schedule 4, part 10.

**Sec. 7.** This Proclamation shall be effective immediately.

IN WITNESS WHEREOF, I have hereunto set my hand this 22nd day of December, in the year of our Lord nineteen hundred and eighty-three, and of the Independence of the United States of America the two hundred and eighth.

Handwritten signature of Ronald Reagan in cursive script.

[FR Doc. 83-34417

Filed 12-23-83; 10:20 am]

Billing code 3195-01-M



# Rules and Regulations

Federal Register

Vol. 48, No. 249

Tuesday, December 27, 1983

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

## DEPARTMENT OF AGRICULTURE

### Federal Crop Insurance Corporation

#### 7 CFR Part 418

#### Wheat Crop Insurance Regulations; Correction

**AGENCY:** Federal Crop Insurance Corporation, USDA.

**ACTION:** Interim rule; correction.

**SUMMARY:** The Wheat Crop Insurance Regulations (7 CFR Part 418), published as an interim rule in the Federal Register on April 5, 1983, at 48 FR 14563, inadvertently omitted a section of the Appendix A to the regulations, which lists counties approved for wheat crop insurance in Alabama, Arizona, Arkansas, and California, in addition to the heading for Appendix A. This notice is being published to correct that error.

**EFFECTIVE DATE:** December 27, 1983.

**ADDRESS:** Any inquiries on this notice should be sent to the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250.

#### FOR FURTHER INFORMATION CONTACT:

Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 447-3325.

**SUPPLEMENTARY INFORMATION:** The correction is as follows:

FR Doc. 83-8722 is corrected by adding the following text above "Colorado" in the third column of page 14568.

#### Appendix A—Counties Designated for Wheat Crop Insurance—7 CFR Part 418

The following counties are designated for Wheat Crop Insurance under the provisions of 7 CFR 418.1

Autauga  
Baldwin  
Barbour  
Bibb  
Blount  
Bullock  
Butler  
Calhoun  
Chambers  
Cherokee  
Chilton  
Choctaw  
Clarke  
Clay  
Cleburne  
Coffee  
Colbert  
Conecuh  
Coosa  
Covington  
Crenshaw  
Cullman  
Dale  
Dallas  
De Kalb  
Elmore  
Escambia  
Etowah  
Fayette  
Franklin  
Geneva  
Greene  
Hale  
Henry

Matanuska-Susitna

Cochise  
Graham  
Greenlee  
La Paz  
Maricopa  
Mohave

Arkansas  
Ashley  
Baxter  
Benton  
Boone  
Bradley  
Calhoun  
Carroll  
Chicot  
Clark  
Clay  
Cleburne  
Cleveland  
Columbia  
Conway  
Craighead  
Crawford  
Crittenden  
Cross  
Dallas  
Desha  
Drew  
Faulkner  
Franklin  
Fulton  
Garland  
Grant  
Greene

## Alabama

Houston  
Jackson  
Jefferson  
Lamar  
Lauderdale  
Lawrence  
Lee  
Limestone  
Lowndes  
Macon  
Madison  
Marengo  
Marion  
Marshall  
Mobile  
Monroe  
Montgomery  
Morgan  
Perry  
Pickens  
Pike  
Randolph  
Russell  
St. Clair  
Shelby  
Sumter  
Talladega  
Tallapoosa  
Tuscaloosa  
Walker  
Washington  
Wilcox  
Winston

## Alaska

Southeast Fairbanks

## Arizona

Navajo  
Pima  
Pinal  
Yavapai  
Yuma

## Arkansas

Hempstead  
Hot Spring  
Howard  
Independence  
Izard  
Jackson  
Jefferson  
Johnson  
Lafayette  
Lawrence  
Lee  
Lincoln  
Little River  
Logan  
Lonoke  
Madison  
Marion  
Miller  
Mississippi  
Monroe  
Montgomery  
Nevada  
Newton  
Ouachita  
Perry  
Phillips  
Pike  
Poinsett

Polk  
Pope  
Prairie  
Pulaski  
Randolph  
St. Francis  
Saline  
Scott  
Searcy  
Sebastian

Sevier  
Sharp  
Stone  
Union  
Van Buren  
Washington  
White  
Woodruff  
Yell

## California

Alameda  
Amador  
Butte  
Colusa  
Contra Costa  
Fresno  
Glenn  
Imperial  
Kern  
Kings  
Lake  
Lassen  
Los Angeles  
Madera  
Mendocino  
Merced  
Modoc  
Monterey  
Napa  
Orange  
Placer  
Plumas

Riverside  
Sacramento  
San Benito  
San Bernardino  
San Diego  
San Joaquin  
San Luis Obispo  
San Mateo  
Santa Barbara  
Santa Clara  
Shasta  
Sierra  
Siskiyou  
Solano  
Sonoma  
Stanislaus  
Sutter  
Tehama  
Tulare  
Ventura  
Yolo  
Yuba

Authority: Secs. 506, 516, Pub. L. 75-430, 52 Stat. 73, 77, as amended (7 U.S.C. 1506, 1516).

Dated: December 19, 1983.

Issued in Washington, D.C., on December 19, 1983.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Approved by:

Edward Hews,

Acting Manager.

Dated: December 20, 1983.

[FR Doc. 83-33803 Filed 12-23-83; 8:45 am]

BILLING CODE 3410-08-M

## DEPARTMENT OF ENERGY

### Office of Conservation and Renewable Energy

#### 10 CFR Part 458

[Docket No. CAS-RM-80-125]

#### Commercial and Apartment Conservation Service Program; Correction

**AGENCY:** Department of Energy.

**ACTION:** Final rule; correction.

**SUMMARY:** This document corrects the preamble to and the final regulations for the Commercial and Apartment Conservation Service (CACS) which were published in the Federal Register

on October 26, 1983 (48 FR 49622-49650). This action is necessary to correct the published dates for compliance with several of the requirements of the CACS regulations.

**FOR FURTHER INFORMATION CONTACT:**

Shelley Launey or Margaret O'Hare, Buildings Services Division, CE-115, Office of Building Energy Research and Development, Conservation and Renewable Energy, Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-1650.

JoAnn Scott or Pamela Pelcovits, Office of General Counsel, GC-33, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-9513.

Issued in Washington, D.C., December 16, 1983.

Pat Collins,

*Acting Assistant Secretary, Conservation and Renewable Energy.*

The following corrections are made in the preamble and the final regulations for the Department of Energy's Commercial and Apartment Conservation Program which appeared in the *Federal Register* on October 26, 1983:

1. On page 49630, column three, the last two sentences on the page are corrected to read: "The effective date of the rule is December 5, 1983. Thus the State regulatory authority actually has more than seven months in which to make the exemption decision."

2. On page 49637, column two, the second sentence in the second full paragraph in that column is corrected to read: "This would enable States to submit one report every year which contained information on both programs."

**§ 458.202 [Corrected]**

3. On page 49645, column two, § 458.202 is corrected to read as follows:

**§ 458.202 Initial submission.**

If a State intends to submit a State Plan, the Governor shall submit the following information to DOE by January 4, 1984.

\* \* \* \* \*

**§ 458.204 [Corrected]**

4. On page 49645, column two, § 458.204(b) is corrected to read as follows:

**§ 458.204 Procedures for submission and approval of a State Plan.**

\* \* \* \* \*

(b) *Time for submission.* A proposed State Plan shall be submitted by June 4, 1984, unless the Assistant Secretary extends the time for submission upon

request of the lead agency, for good cause.

\* \* \* \* \*

**§ 458.310 [Corrected]**

5. On page 49648, column one, § 458.310 (b) (2) is corrected to read as follows:

**§ 458.310 Accounting and payment of costs.**

\* \* \* \* \*

(b) \* \* \*

(2) The State Regulatory Authority (in the case of a regulated utility) or the nonregulated utility shall specify by June 4, 1984, the manner in which all other program costs will be recovered, except that the amount that may be charged directly to an owner of an apartment building for whom an energy audit is performed pursuant to § 458.305 must not exceed a total of \$15 per apartment in the building or the actual cost of the energy audit, whichever is less.

\* \* \* \* \*

**§ 458.404 [Corrected]**

6. On page 49648, column three, § 458.404(a) is corrected to read as follows:

**§ 458.404 Procedures for submission and approval of a Nonregulated Utility Plan.**

(a) Submission. Each nonregulated utility subject to this subpart shall submit to the Assistant Secretary five (5) copies of a proposed Nonregulated Utility Plan by June 4, 1984, unless the Assistant Secretary extends the time for submission upon request of the nonregulated utility, for good cause.

\* \* \* \* \*

[FR Doc. 83-34313 Filed 12-23-83; 8:45 am]

BILLING CODE 6450-01-M

**FEDERAL RESERVE SYSTEM**

**12 CFR Part 211**

[Docket No. R-0494]

**Regulation K; International Banking Operations; International Operations of U.S. Banking Organizations**

**AGENCY:** Board of Governors of the Federal Reserve System.

**ACTION:** Final rule.

**SUMMARY:** The Board has amended 12 CFR Part 211, Regulation K, to include travel agency services on the list of activities that the Board has found to be usual in connection with the transaction of banking or other financial operations aboard. Permitting U.S. banking organizations to offer these services

abroad should enhance their ability to compete in foreign markets. These services may be offered only through a foreign company located abroad and the company may not engage in offering travel services in the United States.

**EFFECTIVE DATE:** December 20, 1983.

**FOR FURTHER INFORMATION CONTACT:**

Nancy P. Jacklin (202/452-3428); Kathleen O'Day (202/452-3786) or Renee DeVigne (202/452-3786), Legal Division; or James S. Keller, Division of Banking Supervision and Regulation (202/452-2523), Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

**SUPPLEMENTARY INFORMATION:** Section 25(a) of the Federal Reserve Act (the "Edge Act") (12 U.S.C. 611 *et seq.*) provides that, with the consent of the Board, an Edge Corporation may invest in any company that does not engage in buying and selling goods and engages in the United States only in business incidental to its foreign business (12 U.S.C. 615). Section 4(c)(13) of the Bank Holding Company Act (12 U.S.C. 1843(c)(13)) permits a bank holding company to invest in a company that does no business in the United States except as an incident to its foreign business if the Board determines that such investment would not be substantially at variance with the purposes of the BHC Act and would be in the public interest.

The Board has implemented these provisions in § 211.5 of Regulation K (12 CFR 211.5), which provides that activities of investors should generally be confined to those of a banking or financial nature and those that are necessary to carry on such activities. Regulation K also provides that an Edge or Agreement Corporation or a bank holding company may invest in a foreign company that engages in activities that the Board determines are usual in connection with the transaction of banking or other financial operations outside the United States. Section 211.5(d) or Regulation K lists those activities that the Board has determined meet this standard and are thus permissible activities for bank holding companies and Edge and Agreement Corporation investors outside the United States. An investor may also apply for specific consent to invest in a company that engages in activities other than those listed in § 211.5(d), provided that the activities meet the above test and are otherwise consistent with law.

The Board has recently considered an application by an Edge Corporation to invest in a foreign company that provides travel agency services in conjunction with other financial services

provided to customers, such as credit card activities. In approving this application, the Board considered the context in which the travel agency services were to be offered and their relationship to other financial services and the fact that banking institutions in the foreign country were generally permitted to, and do, offer travel services as part of their operations. Since acting on that application, the Board has received several notices and inquiries concerning the permissibility of offering travel agency services in other countries.

The materials presented to the Board indicate that the provision of travel agency services in conjunction with certain financial services is an usual practice in many foreign countries, and can serve to help the U.S. investor to maintain its competitive position in those foreign markets. In this regard, in amending the Edge Act in 1978, Congress declared:

\* \* \* that it is the purpose of this section to provide for the establishment of international banking and financial corporations operating under Federal supervision with powers sufficiently broad to enable them to compete effectively with similar foreign-owned institutions in the United States and abroad. 12 U.S.C. 611a.

Permitting U.S. banking organizations to engage in travel agency activities would be in furtherance of this purpose by enhancing the competitive abilities of U.S.-owned organizations.

In light of this background, the Board has determined to add the provision of travel agency services to the list of permissible activities in Regulation K provided that such travel agency is operated in connection with financial services provided by the affiliated or unaffiliated persons. This action relates solely to travel services offered by U.S. banking organizations outside the United States and does not permit a bank holding company or Edge Corporation to engage in travel agency activities in the United States.

Inasmuch as this action does not affect competition in the United States and enhances the competitive position of U.S. banking organizations abroad by relieving a regulatory restriction, the Board has determined for good cause that the notice and public participation provisions of 5 U.S.C. 553 with respect to this action are unnecessary, and that, in the public interest, the rule should be effective immediately.

Pursuant to section 605(b) of the Regulatory Flexibility Act (Pub. L. No. 96-354, 5 U.S.C. section 601 *et seq.*), the Board certifies that the proposed amendment, if adopted, will not have a

significant economic impact on a substantial number of small entities. The proposed amendment would ease the application of the existing regulations and does not have any particular effect on small entities.

#### List of Subjects in 12 CFR Part 211

Banks, banking, Federal Reserve System, Foreign banking, Investments, Reporting and recordkeeping requirements.

#### PART 211—[AMENDED]

Pursuant to its authority under sections 25 and 25(a) of the Federal Reserve Act (12 U.S.C. 601-604a and 611 *et seq.*) and section 4(c)(13) of the Bank Holding Company Act (12 U.S.C. 1843(c)(13)), the Board is amending § 211.5(d)(14) Subpart A of 12 CFR Part 211 by redesignating § 211.5(b)(14) as § 211.5(d)(15) and adding a new § 211.5(d)(14) to read as follows:

#### § 211.5 Investments in other organizations.

\* \* \* \* \*

(d) \* \* \*

(14) the operation of a travel agency provided that the travel agency is operated in connection with financial services offered abroad by the investor or others;

\* \* \* \* \*

By order of the Board of Governors,  
December 20, 1983.

William W. Wiles,  
*Secretary of the Board.*

[FR Doc. 83-34193 Filed 12-23-83; 8:45 am]

BILLING CODE 6210-01-M

#### 12 CFR Part 211

[Docket No. R-0495]

#### Regulation K; International Banking Operations

**AGENCY:** Board of Governors of the Federal Reserve System.

**ACTION:** Final rule.

**SUMMARY:** The Board is amending 12 CFR Part 211, Subpart C of Regulation K, its regulations governing investments by bank holding companies in export trading companies to clarify when a bank holding company must provide a subsequent notice of investment to the Board. The Board also proposes to make a technical amendment to these regulations regarding the time within which an investment must be made by the investor in the export trading company.

**EFFECTIVE DATE:** December 20, 1983.

#### FOR FURTHER INFORMATION CONTACT:

James Keller, Manager, International Banking Applications, Division of Banking Supervision and Regulation (202/452-2523) or Kathleen O'Day, Senior Counsel, Legal Division (202/452-3786), Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

**SUPPLEMENTARY INFORMATION:** The Board adopted final regulations in June 1983 to implement the Bank Export Services Act, which authorizes investments by banking organizations in export trading companies. The regulations permit an eligible investor (*i.e.*, a bank holding company, Edge or Agreement Corporation, or bankers' bank) to invest in an export trading company 60 days after providing notice to the Board of the proposed investment. Subsequent notice is required in specified circumstances.

Section 211.34(a)(2) requires an investor to give subsequent notice to the Board if the export trading company intends to take title to goods and did not include a description of this activity in its original notice. The Board has reviewed this requirement in light of its experience to date in considering 15 notices of investment in export trading companies by bank holding companies and has determined to modify this requirement. Risk associated with taking title to goods is reduced substantially if the export trading company has a firm order for the sale of those goods to a third party. Therefore, the Board is amending § 211.34(a)(2) to modify the requirement that an investor that did not include taking title to goods in its original notice must submit subsequent notice before engaging in this activity. Subsequent notice no longer will be required if the export trading company will take title only against firm orders.

The Board is also making a technical change to the regulations, adding the requirement that the proposed investment must be made in the export trading company within one year of receiving notice of the Board's decision not to disapprove the investment, unless the time is extended for good cause by the Board or the appropriate Federal Reserve Bank. This requirement has been included in each of the 15 letters notifying investors of the Board's intention not to disapprove, and the Board believes it appropriate to add it to the regulation at this time.

Pursuant to Section 605(b) of the Regulatory Flexibility Act (Pub. L. 96-354; 5 U.S.C. 601 *et seq.*), the Board of Governors of the Federal Reserve System certifies that the amendments adopted will not have a significant

economic impact on a substantial number of small entities that would be subject to the regulation.

The provisions of 5 U.S.C. 553 relating to notice, public participation and deferred effective date are not followed in connection with the adoption of these amendments because the changes involved are either procedural in nature or relieve a regulatory restriction and do not constitute substantive rules subject to the requirement of that section.

#### List of Subjects in 12 CFR Part 211

Banks, banking, Federal Reserve System, Foreign banking, Investments, Reporting and recordkeeping requirements.

#### PART 211—[AMENDED]

Pursuant to its authority under sections 4(c)(14) and 5(b) of the Bank Holding Company Act, the Board of Governors is amending Subpart C of Regulation K (12 CFR 211.31 *et seq.*) by revising § 211.34(a)(2) to read as follows, and by adding a new § 211.34(c):

##### § 211.34 Procedures for filing and processing notices.

(a) \* \* \*

(1) \* \* \*

(2) *Subsequent notice.* An eligible investor shall give the Board 60 days' prior written notice of changes in the activities of an export trading company that is a subsidiary of the investor if the export trading company expands its activities beyond those described in the initial notice to include: (i) taking title to goods where the export trading company does not have a firm order for the sale of those goods; (ii) product research and design; (iii) product modification, or (iv) activities not specifically covered by the list of activities contained in section 4(c)(14)(F)(ii) of the BHC Act. Such an expansion of activities shall be regarded as a proposed investment under this subpart.

(c) *Time period for investment.* An investment in an export trading company that has not been disapproved shall be made within one year from the date of the notice not to disapprove, unless the time period is extended by the Board or by the appropriate Federal Reserve Bank.

By order of the Board of Governors,  
December 20, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-34194 Filed 12-23-83; 8:45 am]

BILLING CODE 6210-01-M

#### 12 CFR Part 215

[Docket No. R-0486]

#### Regulation O; Loans To Executive Officers, Directors, and Principal Shareholders of Member Banks

**AGENCY:** Board of Governors of the Federal Reserve System.

**ACTION:** Final rule.

**SUMMARY:** The Board of Governors of the Federal Reserve System is amending 12 CFR Part 215, Regulation O, which governs loans by a member bank to insiders, to implement amendment to Titles VIII and IX of the Financial Institutions Regulatory and Interest Rate Control Act that were included in Title IV of the Garn-St Germain Depository Institutions Act of 1982.

The amendment replaces certain of the reporting and disclosure requirements previously required by FIRA with the reporting and disclosure provisions recommended by the Federal Financial Institutions Examination Council. Under the amendment, a member bank is required to disclose, upon request, the names of each executive officer and each principal shareholder who has borrowed, or whose related interests have borrowed, from either the member bank itself or from correspondent banks of the member bank in an aggregate amount that equals or exceeds 5 percent of the member bank's capital and unimpaired surplus, or \$500,000, whichever is less. However, no disclosure is required unless the member bank's loans to an executive officer or principal shareholder and to all related interests of such a person exceed \$25,000 in the aggregate. Similarly, no disclosure is required unless the loans from correspondent banks of the member bank to an executive officer or principal shareholder of the member bank and all related interests of such a person exceeds \$25,000 in the aggregate.

**DATE:** This amendment is effective December 31, 1983.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Johnson, Senior Counsel (202/452-3584), or Stephen Lovette, Supervisory Financial Analyst (202/452-3622), Board of Governors of the Federal Reserve System.

**SUPPLEMENTARY INFORMATION:** Under Title IX of the Financial Institutions Regulatory and Interest Rate Control Act (FIRA) (12 U.S.C. 1817(k)(1)), each insured bank was required to file with its appropriate federal banking agency a report containing certain information with respect to the bank's loans to its executive officers and principal

shareholders and their related interests during the preceding calendar year. The items to be reported were: (1) the names of each principal shareholder of the bank; (2) the names of each executive officer and principal shareholder of the bank who was indebted, or whose related interests were indebted, to the bank during the year; and (3) the aggregate amount of all extensions of credit from the bank during the year to its executive officers, principal shareholders and their related interests. FIRA also required the bank or the federal banking agency to make this information available to the public upon request (12 U.S.C. 1817(k)(4)). In implementing this provision, § 215.10 of Regulation O required member banks to file the information on Form FFIEC 003 (OMB No. 7100-0033) on or before March 31 of each year.

Section 429 of the Garn-St Germain Depository Institutions Act of 1982 (Pub. L. 97-320, 96 Stat. 1469) (Garn Act) deleted the specific items to be reported and disclosed pursuant to Title IX of FIRA. The Garn Act substituted a general provision authorizing each federal banking agency to issue rules and regulations to require the reporting and public disclosure of information by a bank or any executive officer or principal shareholder thereof concerning extensions of credit by the bank to its executive officers of principal shareholders or the related interests of such persons. However, section 430 of the Garn Act provides that the provisions of Title IX shall remain in effect until the new regulations authorized by the Act become effective.

#### Loans From Correspondent Banks

With respect to the indebtedness of executive officers and principal shareholders of an insured bank to the correspondent banks of the insured bank, Title VIII of FIRA established two separate reporting requirements. First, the executive officers and principal shareholders of the insured bank must report by January 31, of each year to the board of directors of the insured bank certain information about extensions of credit to them from the correspondent banks of the insured bank.<sup>1</sup> Second, the insured bank must report to the appropriate federal banking agency certain of the information reported to it by its executive officers and principal

<sup>1</sup> 12 U.S.C. 1972 (2)(G)(i). The Garn Act did not affect the provisions of 12 U.S.C. 1972(2)(G)(i); thus, the executive officers and principal shareholders must continue to provide this information to the board of directors of their banks on Form FFIEC 004 (OMB No. 7100-0034) or a similar form containing identical information.

shareholders with respect to loans to them from the insured bank's correspondent banks. Section 215.23 of Regulation O implements this provision. This information was also required to be made available to the public.

Section 428 of the Garn Act substituted for the specific reporting requirements in Title VIII as they relate to insured banks, a provision that authorizes the appropriate federal banking agencies to issue rules and regulations to require the reporting and public disclosure of information by any bank or executive officer or principal shareholder thereof of information concerning any extension of credit by a correspondent bank to the reporting bank's executive officers or principal shareholders, or the related interests of such persons. Again, the Garn Act provides that the existing requirements shall remain in effect until the new regulations become effective.

#### Examination Council

On June 27, 1983, the Federal Financial Institutions Examination Council ("Council") approved, among other things:

a. The elimination, subject to OMB clearance, of Form FFIEC 003, "Report on Ownership of the Reporting Bank and Indebtedness of Executive Officers and Principal Shareholders to the Reporting Bank and to Correspondent Banks". The proposal for elimination of this Form for state member banks was submitted to OMB for review under section 3504(h) of the Paperwork Reduction Act and 5 CFR 1320.13. On November 21, 1983, OMB approved the deletion of this Form.

b. The addition of the following two items of information (subject to OMB clearance) to the quarterly Report of Condition that is required of all insured commercial banks:

(1) the aggregate extensions of credit, as of the reporting date, by the reporting bank to all of its executive officers and principal shareholders, and the related interests of such persons and, (2) the number of [these] individuals as of the reporting date whose extensions of credit from the reporting bank equal or exceed 5 percent of the reporting bank's equity capital or \$500,000, whichever is less.

These additions for state member banks were submitted to OMB for review under section 3507 of the Paperwork Reduction Act and 5 CFR 1320.12. On September 28, 1983, OMB approved the addition of these items to the Report of Condition (OMB No. 7100-0036). These additions will be effective with the Report of Condition for December 31, 1983, and will substitute

for some of the information previously reported on Form FFIEC 003.

Finally, the Council recommended that the three federal bank regulatory agencies adopt, by December 31, 1983, regulations requiring each insured bank to disclose publicly, upon request, the names of its executive officers and principal shareholders who had extensions of credit outstanding to them or to their related interests from their own banks or from correspondent banks of their banks that equal or exceeded 5 percent of the reporting bank's equity capital or \$500,000, whichever is less. The names of the related interests need not be disclosed.

#### The Amendment

The rule adopted by the Board requires member banks to disclose upon request the names of each executive officer and each principal shareholder who has, or whose related interests have, extensions of credit outstanding from either the member bank itself or from the correspondent banks of the member bank that equal or exceed 5 percent of the reporting bank's capital and unimpaired surplus or \$500,000, whichever is less. As discussed below, the rule provides that disclosure is not required if a member bank's outstanding extensions of credit to an executive officer or principal shareholder or to related interests of such a person do not exceed an aggregate amount of \$25,000. This exception also applies with respect to loans to an executive officer or principal shareholder of a member bank from correspondent banks of the member bank. The rule contains the term 'capital and unimpaired surplus' instead of 'equity capital' as recommended by the Council. The use of the term 'equity capital' in the regulation would result in two different definitions of capital in Regulation O which the Board believes would confuse banks and the general public.

The disclosure of the names of the executive officers and principal shareholders who borrowed from the reporting bank reflects information as of the end of the latest quarter; the disclosure of the names of the executive officers and principal shareholders borrowing from correspondent banks would contain information regarding loans outstanding at any time during the previous calendar year. The data required for the disclosure are readily available from the internal records of the bank and from information submitted by the reporting bank's executive officers and principal shareholders to its board of directors on Form FFIEC 004.

The rule also adds a requirement that member banks maintain records of requests from the public for the information covered by the regulation and of the disposition of such requests to assure compliance with the disclosure requirement.

#### Comments on the Proposed Rule

The Board received 37 comments on the proposal, 16 of which opposed the proposed rule, stating that public disclosure of the names of executive officers and principal shareholders who had, or whose related interests had, extensions of credit outstanding from the member bank or from correspondent banks of the member bank that exceeded the triggering threshold would constitute an unwarranted invasion of the personal privacy of these borrowers. With respect to these comments, the Board notes that prior to the Garn-St Germain Act, all of the information collected on Form 003 was required to be made available to the public. The information previously required to be disclosed to the public on Form 003 was considerably more extensive than the information that would be disclosed pursuant to this amendment. Furthermore, the Board notes that Congress specifically authorized the federal bank regulatory agencies to issue rules and regulations concerning public disclosure of loans by insured banks and correspondent banks of insured banks to executive officers and principal shareholders of the insured banks. The Board believes that the disclosure required by these amendments is consistent with the requirements of the Garn-St Germain and Right to Financial Privacy Acts (12 U.S.C. 3413(d)).

The unfavorable comments also indicated that the disclosure requirements would have a disproportionate impact on executive officers and principal shareholders of smaller banks because the triggering threshold for disclosure, 5 percent of the member bank's capital and unimpaired surplus, would be met by a relatively small loan. In response to this comment, and consistent with the exclusions in other portions of Regulation O, the Board has revised the proposal to provide that no disclosure is required unless the extensions of credit by a member bank to an executive officer or principal shareholder or to the related interests of such a person exceeds an aggregate amount of \$25,000. Similarly extensions of credit to an executive officer or principal shareholder of a member bank or to related interests of such a person from

all correspondent banks of the member bank that do not exceed an aggregate amount of \$25,000, are not required to be disclosed.

Several of the commentators suggested that certain loans be excluded from the disclosure requirement. Among the suggested exclusions are loans by a member bank to its parent bank holding company or other companies in the bank holding company system and loans to executive officers of the member bank who are not executive officers of the bank's parent bank holding company. It does not appear that Congress intended that these loans be excluded from the disclosure requirement, and, accordingly, these suggestions have not been incorporated into the final rule.

Finally, in response to several technical suggestions, the Board has revised the amendment to provide that member banks are only required to respond to requests that are in writing.

#### Effective Date

The Board has found that good cause exists for this amendment to be effective December 31, 1983, rather than 30 days following publication pursuant to the provisions of section 553(c) of Title 5, United States Code. The Garn-St Germain Act states that existing reporting and public disclosure requirements shall remain in effect until their replacements become effective. Reporting requirements in Titles VIII and IX of FIRA that were included on Form 003 have been replaced by the Council's amendments to the quarterly report of condition which will become effective as of December 31, 1983. This amendment replaces the information required to be disclosed to the public on Form 003 pursuant to Titles VIII and IX of FIRA. Unless this amendment is implemented as of the same date, the planned removal of Form 003 cannot occur and member banks will be subject to duplicate reporting and public disclosure requirements.

#### Regulatory Flexibility Act Analysis

Pursuant to section 605(b) of the Regulatory Flexibility Act (Pub. L. 96-354; 4 U.S.C. 601 *et seq.*), the Board of Governors System certifies that the rule will not have a significant economic impact on a substantial number of small entities that would be subject to the regulation. The rule will liberalize existing regulations and will not have any particular impact on small entities subject to the regulation.

#### List of Subjects in 12 CFR Part 215

Banks, Banking, Credit, Reporting and recordkeeping requirements, Federal Reserve System.

#### PART 215—[AMENDED]

Accordingly, pursuant to its authority under 12 U.S.C. 1817(k) and 1972(2)(G)(ii) as amended, the Board of Governors is amending 12 CFR Part 215, Regulation O, as follows:

1. Section 215.10 is revised to read as follows:

##### § 215.10 Disclosure of credit from member banks to executive officers and principal shareholders.

(a) *Definitions.* For the purposes of this section, the following definitions apply:

(1) "Principal shareholder of a member bank" means any person <sup>7</sup> other than an insured bank, or a foreign bank as defined in 12 U.S.C. 3101(7)), that, directly or indirectly, owns, controls, or has power to vote more than 10 percent of any class of voting securities of the member bank. The term includes a person that controls a principal shareholder (e.g., a person that controls a bank holding company). Shares of a bank (including a foreign bank), bank holding company, or other company owned or controlled by a member of an individual's immediate family are presumed to be owned or controlled by the individual for the purposes of determining principal shareholder status.

(2) "Related interest" means: (i) Any company controlled by a person, or (ii) any political or campaign committee the funds or services of which will benefit a person or that is controlled by a person. For the purpose of this section and Subpart B, a related interest does not include a bank or a foreign bank (as defined in 12 U.S.C. 3101(7)).

(b) *Public disclosure.* (1) Upon receipt of a written request from the public, a member bank shall make available the names of each of its executive officers <sup>8</sup> and each of its principal shareholders to whom, or to whose related interests, the member bank had outstanding as of the end of the latest previous quarter of the year, an extension of credit that, when aggregated with all other outstanding extensions of credit at such time from the member bank to such person and to all related interests of such person, equaled or exceeded 5 percent of the member bank's capital and unimpaired surplus of \$500,000, whichever amount is

<sup>7</sup> The term "stockholder of record" appearing in 12 U.S.C. 1972(2)(G) is synonymous with the term "person."

<sup>8</sup> For purposes of this section and Subpart B, an executive officer of a member bank does not include an executive officer of a bank holding company of which the member bank is a subsidiary or of any other subsidiary of that bank holding company unless the executive officer is also an executive officer of the member bank.

less. No disclosure under this paragraph is required if the aggregate amount of all extensions of credit outstanding at such time from the member bank to the executive officer or principal shareholder of the member bank and to all related interests of such a person does not exceed \$25,000.

(2) A member bank is not required to disclose the specific amounts of individual extensions of credit.

(c) *Maintaining records.* Each member bank shall maintain records of all requests for the information described in paragraph (b) of this section and the disposition of such requests. These records may be disposed of after two years from the date of the request.

2. Section 215.23 is revised to read as follows:

##### § 215.23 Disclosure of credit from correspondent banks to executive officers and principal shareholders.

(a) *Public disclosure.* (1) Upon receipt of a written request from the public, a member bank shall make available the names of each of its executive officers and each of its principal shareholders to whom, or to whose related interests, any correspondent bank of the member bank had outstanding, at any time during the previous calendar year, an extension of credit that, when aggregated with all other outstanding extensions of credit at such time from all correspondent banks of the member bank to such person and to all related interests of such person, equaled or exceeded 5 percent of the member bank's capital and unimpaired surplus or \$500,000, whichever amount is less. No disclosure under this paragraph is required if the aggregate amount of all extensions of credit outstanding from all correspondent banks of the member bank to the executive officer or principal shareholder of the member bank and to all related interests of such a person does not exceed \$25,000 at any time during the previous calendar year.

(2) A member bank is not required to disclose the specific amounts of individual extensions of credit.

(b) *Maintaining records.* Each member bank shall maintain records of all requests for the information described in paragraph (a) of this section and the disposition of such requests. These records may be disposed of after two years from the date of the request.

3. Paragraph (a) of § 215.20 and the first sentence of paragraph (b) are revised to read as follows:

##### § 215.20 Authority, purpose, and scope.

(a) *Authority.* This subpart is issued pursuant to section 11(i) of the Federal



Reserve Act (12 U.S.C. 248(i)) and 12 U.S.C. 1972(2)(F)(vi).

(b) *Purpose and scope.* This subpart implements the reporting requirements of Title VIII of the Financial Institutions Regulatory and Interest Rate Control Act of 1978 (FIRA) (Pub. L. 95-630) as amended by the Garn-St Germain Depository Institutions Act of 1982 (Pub. L. 97-320), 12 U.S.C. 1972 (2)(g). \* \* \*

Board of Governors of the Federal Reserve System, December 21, 1983.

William W. Wiles,  
Secretary of the Board.

[FR Doc. 83-34156 Filed 12-23-83; 8:45 am]  
BILLING CODE 6210-01-M

## 12 CFR Part 217

[Docket No. R-0497]

### Regulation Q, Interest on Deposits; Technical Amendments

**AGENCY:** Board of Governors of the Federal Reserve System.

**ACTION:** Technical amendments.

**SUMMARY:** The Board has amended 12 CFR Part 217 (Regulation Q—Interest on Deposits) to incorporate rules of the Depository Institutions Deregulation Committee ("DIDC"), adopted pursuant to the Depository Institutions Deregulation Act of 1980 (Title II of Pub. L. 96-221). The amendments to Regulation Q are technical in nature and conform the Board's rules to those of DIDC.

**EFFECTIVE DATES:** January 1, 1984. Other conforming amendments are effective January 1, 1985, and January 1, 1986. See Supplementary Information below.

**FOR FURTHER INFORMATION CONTACT:** Gilbert T. Schwartz, Associate General Counsel (202/452-3625), Paul S. Pilecki, Senior Counsel (202/452-3281), or John Harry Jorgenson, Senior Attorney (202/452-3778), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C., 20551.

**SUPPLEMENTARY INFORMATION:** The Depository Institutions Deregulation Act of 1980 (Title II of Pub. L. 96-221) transfers to the DIDC the authority conferred by section 19(j) of the Federal Reserve Act (12 U.S.C. 371b) upon the Board (and similar authority of the Federal Deposit Insurance Corporation and the Federal Home Loan Bank Board which are contained in other statutes) to establish rules concerning the payment of interest on deposit accounts. The Board has amended its Regulation Q to bring it into conformity with actions taken by the DIDC at its meetings of June 30, 1983 (48 FR 38455 (August 24, 1983)) and September 30, 1983 (48 FR

50065 (October 31, 1983)). The following table presents the regulatory provisions that have been affected by the DIDC's actions.

| DIDC rule   | Regulatory provision amended |
|---|------------------------------|
| 1204.103—Penalty for Early withdrawals.   | 217.4(d)(1)(iii), (d)(6).    |
| 1204.108—Maximum rates of interest payable by depository institutions on deposits subject to negotiable orders of withdrawal.             | 217.7(c).                    |
| 1204.121—Seven to 31-day time deposits.   | 217.1(h), 217.7(b), (e).     |
| 1204.122—Money market deposit account.  | 217.7(g).                    |
| 1204.124—Maximum rate of interest payable on savings deposits and time deposits of less than \$2,500 with maturities of Seven to 31 days. | 217.7(b), (c).               |

Because of the technical nature of the amendments conforming Regulation Q to actions of the DIDC, the Board finds that application of the notice and public participation provisions of 5 U.S.C. § 553 to these actions is unnecessary and contrary to the public interest and that good cause exists for making these actions effective on the dates indicated.

#### List of Subjects in 12 CFR Part 217

Advertising, Banks, banking, Federal Reserve System, Foreign banking.

Pursuant to its authority under section 19 of the Federal Reserve Act (12 U.S.C. 461, 371a, and 371b), the Board amends 12 CFR Part 217, effective on the dates indicated, as follows:

##### 1. Effective January 1, 1984:

#### § 217.4 [Amended]

a. Section 217.4 is amended by removing paragraphs (d)(1)(iii) (D) and (E) and in paragraph (d)(6) by removing "subparagraphs (1)(iii)(E) and" and inserting "paragraph" in its place; and

b. Section 217.7 introductory text is amended by revising paragraphs (b), (c)(1), (c)(2), and (c)(2)(ii)(A); revising paragraph (e)(1); and revising paragraph (g)(1), as follows:

#### § 217.7 Supplement: Maximum rates of interest payable by member banks on time and savings deposits

(b) *Time deposits of less than \$2,500 with original maturities or required notice periods prior to withdrawal of seven to 31 days.* Except as provided in paragraphs (d) and (e), no member bank shall pay interest on any time deposit of less than \$2,500 with an original maturity or required notice period prior to withdrawal of 31 days or less at a rate in excess of 5½ percent.

(c) *Savings deposits.* (1) Except as provided in paragraph (g), no member bank shall pay interest at a rate in

excess of 5½ percent on any savings deposit.

(2) A member bank may pay interest on any deposit or account subject to negotiable or transferable orders of withdrawal that is authorized pursuant to 12 U.S.C. 1832(a) or a deposit or account described in section 217.5(c)(2)—

(ii) (A) at any rate agreed to by the depositor on any deposit or account subject to negotiable or transferable orders of withdrawal that is authorized pursuant to 12 U.S.C. 1832(a) subject to the conditions of this paragraph (c)(2) with an initial balance and an average deposit balance (as computed in paragraph (c)(2)(ii)(B) of this section) of no less than \$2,500. However, for an account with an average balance of less than \$2,500, a member bank shall not pay interest in excess of the rate specified in paragraph (c)(2)(i) of this section for the entire computation period, as described in paragraph (c)(2)(ii)(B). Further, a member bank may pay interest at any rate agreed to by the depositor on an account issued under this paragraph (c)(2)(ii), regardless of amount, if that account consists of funds deposited to the credit of, or in which the entire beneficial interest is held by, an individual pursuant to an Individual Retirement Account agreement or Keogh (H.R. 10) Plan established pursuant to 26 U.S.C. (I.R.C. 1954) 219, 401, 408 and related provisions.

(e) *Seven- to 31-day time deposits.* (1)(i) Notwithstanding paragraph (d), a member bank may pay interest at any rate as agreed to by the depositor on any time deposit with a maturity or required notice period of not less than seven days nor more than 31 days—

(A) in an amount of \$2,500 or more; or  
(B) notwithstanding paragraph (b), if such funds are deposited to the credit of, or in which the entire beneficial interest in such funds is held by, an individual pursuant to an Individual Retirement Account agreement or Keogh (H.R. 10) Plan established pursuant to 26 U.S.C. (I.R.C. 1954) 219, 401, 408 and related provisions.

(ii) However, except as provided in paragraph (e)(1)(i)(B), a member bank shall not pay interest in excess of the ceiling rate for regular savings deposits or accounts specified in paragraph (c)(1) of this section on any day the balance in a time deposit issued under this paragraph is less than \$2,500.

(g) *Money market deposit accounts.*  
(1)(i) Notwithstanding paragraph (c), a member bank may pay interest at any rate on a deposit account as described in this paragraph—

(A) with an initial balance of no less than \$2,500 and an average deposit balance (as computed in paragraph (g)(2)) of no less than \$2,500; or

(B) that consists of funds deposited to the credit of, or in which the entire beneficial interest is held by, an individual pursuant to an Individual Retirement Account agreement or Keogh (H.R. 10) Plan established pursuant to 26 U.S.C. (I.R.C. 1954) 219, 401, 408 and related provisions.

(ii) However, except as provided in paragraph (g)(1)(i)(B), for an account with an average balance of less than \$2,500, a member bank shall not pay interest in excess of the ceiling rate specified for NOW accounts under paragraph (c)(2)(i) of this section for the entire computation period, as described in paragraph (g)(2) of this section.

\* \* \*

#### §§ 217.1 and 217.7 [Amended]

2. Effective January 1, 1985:

§§ 217.1(h)(1)(iii)(B) and 217.7 are amended by removing "\$2,500" wherever it appears and inserting "\$1,000" in its place.

3. Effective January 1, 1986:

a. Section 217.1(h)(1)(iii) is amended by removing "(A)", inserting a period after the phrase "seven days", and removing "or" and paragraph (B); and

b. Section 217.7 is amended by: Removing the text of paragraph (b) and inserting "[Reserved]" in its place; by removing paragraph (g)(8); and by revising paragraphs (c)(2), (e)(1), and (g)(1) to read as follows:

#### § 217.7 Supplement: Maximum rates of interest payable by member banks on time and savings deposits

\* \* \*

(c) *Savings deposits.* \* \* \*

(2) A member bank may pay interest on any deposit or account—

(i) described in § 217.5(c)(2) at a rate not to exceed 5¼ percent; or (ii) subject to negotiable or transferable orders of withdrawal that is authorized pursuant to 12 U.S.C. 1832(a) at any rate agreed to by the depositor.

\* \* \*

(e) *Seven- to 31-day time deposits.* (1) Notwithstanding paragraph (d), a member bank may pay interest at any rate as agreed to by the depositor on any time deposit with a maturity or required notice period prior to maturity of not less than seven days nor more than 31 days.

\* \* \*

(g) *Money market deposit accounts.*  
(1) Notwithstanding paragraph (c), a member bank may pay interest at any rate on a deposit account as described in this paragraph.

\* \* \*

By order of the Board of Governors,  
December 19, 1983.

William W. Wiles,

Secretary of the Board.

[FR Doc. 83-34157 Filed 12-23-83; 8:45 am]

BILLING CODE 6210-01-M

## 12 CFR Part 265

[Docket No. R-0496]

### Rules Regarding Delegation of Authority; Delegation of Authority to Reserve Banks to Act on Notices of Proposed Investments in Export Trading Companies

**AGENCY:** Board of Governors of the Federal Reserve System.

**ACTION:** Final rule.

**SUMMARY:** The Board is amending 12 CFR Part 265, its Rules Regarding Delegation of Authority, to delegate to the Federal Reserve Banks authority to act on notifications by bank holding companies to invest in export trading companies. It is anticipated that this delegation of authority would aid in the expeditious processing of export trading company notifications.

**EFFECTIVE DATE:** December 20, 1983.

**FOR FURTHER INFORMATION CONTACT:** James Keller, Manager, International Banking Applications, Division of Banking Supervision and Regulation (202/452-2523) or Kathleen O'Day, Senior Counsel, Legal Division (202/452-3786), Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

**SUPPLEMENTARY INFORMATION:** In June 1983, the Board adopted regulations implementing the Bank Export Services Act (Pub. L. 97-290) authorizing bank holding companies to invest in export trading companies and establishing procedures governing such investments. Under the regulations (12 CFR 211.31 *et seq.*), a bank holding company or other eligible investor must provide the Board with 60 days' prior notice of its intention to invest in an export trading company. The investment generally may be made at the end of that time period, or sooner if the Board notifies the investor of its intention not to disapprove the investment. At the time of adoption of the regulation the Board stated that it would consider the adoption of expedited procedures " \* \* \* after some reasonable experience has been gained

in the export trading company notification process, no later than one year from the effective date of this regulation." 48 FR 26 445 (1983).

The Board has processed 15 export trading company notifications to date and on the basis of this experience believes that standards can be established under which it is appropriate for the Reserve Banks to act on these notifications.<sup>1</sup> The amendment to the Rules Regarding Delegation of Authority would permit a Reserve Bank to issue a notice of intention not to disapprove an initial or subsequent notice of investment in an export trading company if all the following criteria are met:

(1) The proposed export trading company will be a wholly-owned subsidiary or a joint venture with an individual or individuals involved in the operation of the export trading company;

(2) The bank holding company investor and its lead bank are in acceptable financial condition;

(3) The export trading company proposes to take title to goods only against firm orders, except that it may carry an inventory of goods whose value is no more than \$2 million;

(4) The export trading company does not propose to engage in product research or design, product modification or activities not specifically listed in 12 U.S.C. 1843(c)(14)(F)(ii);

(5) The assets to capital ratio of the export trading company will not exceed 10:1; and

(6) The notice presents no significant policy issues on which the Board has not previously expressed its view.

Failure to meet these criteria does not indicate that a proposed investment would be disapproved. It requires only that the notification must be acted on by the Board rather than by a Reserve Bank.

The Board believes that this delegation of authority will be useful in the expeditious processing of export trading company notifications and will review the standards for delegation from time to time.

Pursuant to Section 605(b) of the Regulatory Flexibility Act (Pub. L. 96-354; 5 U.S.C. 601 *et seq.*), the Board of Governors of the Federal Reserve System certifies that the amendments adopted will not have a significant economic impact on a substantial number of small entities that would be subject to the regulation.

<sup>1</sup> This delegation also requires a technical amendment to 12 CFR 265.2(a)(2).



The provisions of 5 U.S.C. 553 relating to notice, public participation and deferred effective date are not followed in connection with the adoption of these amendments because the changes involved are procedural in nature and do not constitute substantive rules subject to the requirement of that section.

#### List of Subjects in 12 CFR Part 265

Authority, delegations (Government agencies); Banks, banking; Federal Reserve System.

Pursuant to its authority under sections 4(c)(14) and 5(b) of the Bank Holding Company Act of 1956, as amended (12 U.S.C. 1843(c)(14) and 1844(b)), the Board of Governors amends its Rules Regarding Delegation of Authority (12 CFR Part 265) by adding a new § 265.2(f)(58), and by revising section 265.2(a)(2) to read as follows:

#### § 265.2 Specific functions delegated to Board Employees and to Federal Reserve Banks.

(a) \* \* \*

(2) Under the provisions of sections 18(c) and 18(c)(4) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c) and 1828(c)(4)), sections 3(a), 4(c)(8) and 4(c)(14) of the Bank Holding Company Act (12 U.S.C. 1842(a), 1843(c)(8) and (14)), the Change in Bank Control Act (12 U.S.C. 1817(j)) and section 25 and 25(a) of the Federal Reserve Act (12 U.S.C. 601-604a and 611 *et seq.*), and §§ 225.3 (b) and (c), and 225. (a) and (b) and 225.7 of Regulation Y (12 CFR 225.3 (b) and (c), 225.4 (a) and (b), and 225.7), sections 211.3(a), 211.4(c), 211.5(c) and 211.34 of Regulation K (12 CFR 211.3(a), 211.4(c), 211.5(c) and 211.34), to furnish reports on competitive factors involved in a bank merger to the Comptroller of the Currency and the Federal Deposit Insurance Corporation and to take actions the Reserve Bank could take except for the fact that the Reserve Bank may not act because a director or senior officer of any holding company, bank, or company involved in the transaction is a director of a Federal Reserve Bank or branch.

(f) \* \* \*

(58) Under section 4(c)(14) of the Bank Holding Company Act and Subpart C of the Board's Regulation K, to issue a notice of intention not to disapprove a proposed investment in an export trading company if all the following criteria are met:

(i) The proposed export trading company will be a wholly-owned subsidiary of a single investor, or ownership will be shared with an individual or individuals involved in the

operation of the export trading company;

(ii) A bank holding company investor and its lead bank meet the minimum capital adequacy guidelines of the Board and the Comptroller of the Currency or have enacted capital enhancement plans that have been determined by the appropriate supervisory authority to be acceptable;

(iii) The proposed export trading company will take title to goods only against firm orders, except that the company may maintain inventory of goods worth up to \$2 million;

(iv) The proposed activities of the export trading company do not include product research or design, product modification, or activities not specifically covered by the list of services contained in section 4(c)(14)(F)(ii) of the BHCA Act;

(v) The proposed leveraging ratio of the ETC (assets: capital) does not exceed 10:1, and

(vi) No other significant policy issue is raised on which the Board has not previously expressed its view.

By order of the Board of Governors of the Federal Reserve System, December 20, 1983.

James McAfee,

*Associate Secretary of the Board.*

[FR Doc. 83-34195 Filed 12-23-83; 8:45am]

BILLING CODE 6210-01-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 83-NM-02-AD; Amdt. 39-4785]

#### Airworthiness Directives; British Aerospace Aircraft Group Model HS 748 2A and 2B Series Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adds a new airworthiness directive (AD) applicable to British Aerospace Model HS 748 2A and 2B series airplanes which requires inspections of the main landing gear inboard pivot brackets, tailplane lower front spar web joint plate, and aileron control assembly for cracks, and repairs and modifications, as necessary. This action is necessary to prevent possible structural failures which could result in loss of the airplane.

**EFFECTIVE DATE:** January 30, 1984.

**ADDRESSES:** The service bulletins specified in this AD may be obtained upon request to British Aerospace, Inc., Box 17414, Dulles International Airport,

Washington, D.C. 20041 or may be examined at the address shown below.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Sulmo Mariano, Foreign Aircraft Certification Branch, ANM-150S, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington, telephone (206) 431-2979. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

**SUPPLEMENTARY INFORMATION:** The Civil Aviation Authority (CAA) of the United Kingdom has classified certain British Aerospace Aircraft Group service bulletins as mandatory. These bulletins prescribe inspections, replacements, and/or modifications to correct unsafe conditions as indicated below:

1. On three occasions cracks have been found on the outboard side, aft of the pivot boss, on the main landing gear inboard pivot brackets on high time aircraft. Repetitive inspections are needed to detect cracks in these areas. The brackets must be replaced when the cracks reach a length of 1.20 inches (reference: British Aerospace Aircraft Group HS 748 Service Bulletin 57/59).

2. Cracks have been detected along the vertical bend/joggle line of the tailplane lower front spar web joint plate on a number of airplanes with 23,000 to 29,000 hours time in service. On one airplane with 19,000 hours time in service, a crack was detected along the vertical bend/joggle line of the tailplane front upper spar web joint plate. Inspections for cracks are needed since growth of the cracks could lead to structural failure (reference: British Aerospace Aircraft Group HS 748 Service Bulletin 55/19, Revision 1).

3. Three cases of fatigue cracks have occurred at the lower spigot on the aileron control quadrant assembly on high time airplanes. Modifications to the aileron quadrant assemblies are necessary to prevent occurrence of this condition which could lead to structural failure (reference: British Aerospace Aircraft Group HS 748 Service Bulletin 27/75).

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring inspections of the main landing gear inboard pivot bracket, tailplane structure, and aileron quadrant assemblies for corrosion and cracks, and repairs or modifications was published in the *Federal Register* on March 14, 1983 (48 FR 10692). The comment period closed on May 2, 1983 and interested persons have been

fforded an opportunity to participate in he making of this amendment. No omments were received. The principal maintenance inspectors (PMI) contacted he two U.S. operators of these irplanes. They pointed out that the perators were not concerned about the AD because their aircraft have less than .000 hours time in service which is far elow the threshold of 12,000 hours established by the AD. Some editorial hanges were made in the final rule.

It is estimated that 4 airplanes will be ffectcd by this AD, that it will take pproximately 63 manhours per airplane o accomplish the required actions, and hat the average labor cost will be \$35 er manhour. Repair parts are estimated t \$2,204 per airplane. Based on these igures, the total cost impact of this AD s estimated to be \$17,636. For these easons, this rule is not considered to be a major rule under the criteria of Executive Order 12291. Few small entities within the meaning of the Regulatory Flexibility Act operate this ype aircraft.

Therefore, the FAA has determined hat air safety and the public interest equire the adoption of the rule with the minor editorial changes.

#### List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

#### Adoption of the Amendment

#### PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

**British Aerospace:** Applies to Model HS 748 airplanes, certificated in all categories, for the series listed in the service bulletins below. To prevent the development of unsafe conditions, the following three actions are required, unless previously accomplished:

A. To prevent progression of cracks in the main landing gear inboard pivot brackets, part numbers 15F11365 and 16F11365, inspect the inboard pivot brackets for corrosion, loose bolts, and cracks, and repair if necessary in accordance with the Accomplishment Instructions of British Aerospace HS 748 Service Bulletin 57/59, dated October 1979, prior to accumulating 25,000 landings or within the next 750 landings after the effective date of this AD, whichever occurs later, and thereafter at intervals not exceeding 1,500 landings from the last inspection. If inboard pivot brackets are corroded to a depth greater than 0.060 inch, the operators of the aircraft must contact the manufacturer for repair instructions.

B. To detect cracks in the joints between the tailplane center torsion box and outer

tailplanes, inspect and repair, if necessary, the tailplane front and rear spar joint plates and webs in accordance with the Accomplishment Instructions of British Aerospace Aircraft Group HS 748 Service Bulletin 55/19, Revision 1, dated September 1982, prior to the accumulation of 18,000 hours time in service or within the next 750 hours time in service after the effective date of this AD, whichever occurs later, and thereafter at intervals not to exceed 3,000 hours time in service.

C. Modify the aileron control quadrant assemblies on airplanes equipped with aileron control quadrant assemblies part numbers 1R4583 and 2R4583 in accordance with paragraph 2.B of British Aerospace Aircraft Group HS 748 Service Bulletin 27/75 dated April 4, 1978, prior to the accumulation of 12,000 hours time in service or within the next 750 hours time in service after the effective date of this AD, whichever occurs later.

D. Alternate means of compliance which provide an equivalent level of safety may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

E. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD

This amendment becomes effective January 30, 1984.

(Sections 313(a), 314(a), 601 through 610, and 1102 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 through 1430, and 1502); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89)

**Note.**—For the reasons discussed earlier in the preamble, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities, since few, if any, small entities operate HS 748 airplanes. A final evaluation has been prepared for this regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Seattle, Washington, on December 13, 1983.

Wayne J. Barlow,  
Acting Director, Northwest Mountain Region.

[FR Doc. 83-34186 Filed 12-23-83; 8:45 am]  
BILLING CODE 4910-13-M

#### 14 CFR Part 39

[Docket No. 81-NW-81-AD; Amdt. 39-4788]

#### Airworthiness Directives; British Aerospace Corporation Model BAC 1-11 200 and 400 Series Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adds a new airworthiness directive (AD) applicable to British Aerospace Corporation Model BAC 1-11 200 and 400 series airplanes which requires the installation of dual safety lights into each door structure and an improved flight deck warning system. This action was initiated as a result of reports of doors opening during flight. In those instances, the warning light in the cockpit failed to indicate that the doors were not properly secured.

**EFFECTIVE DATE:** January 30, 1984.

**ADDRESS:** The service bulletin specified in this AD may be obtained upon request to British Aerospace, Inc., Box 17414, Dulles International Airport, Washington, D.C. 20041 or may be examined at the address shown below.

**FOR FURTHER INFORMATION CONTACT:** Mr. Sulmo Mariano, Foreign Aircraft Certification Branch, ANM-150S, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington, telephone (206) 431-2979. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

**SUPPLEMENTARY INFORMATION:** The Civil Aviation Authority (CAA) of the United Kingdom has, in accordance with existing provisions of a bilateral agreement, notified the FAA of an unsafe condition which may exist on BAC 1-11 airplanes. There have been reports that the door status warning system failed to indicate the correct status of unlocked forward passenger and service doors. The doors subsequently opened during flight. An additional incident has been reported in the U.S. since the issuance of the NPRM.

The CAA has classified British Aerospace BAC 1-11 Service Bulletin 52-PM 3329 as mandatory. This service bulletin prescribes the installation of dual safety lights in the door structure and a micro-switch to the anti-G hook assembly to operate the lights. Also, another type of micro-switch is fitted to the door to replace the existing micro-switch to improve the flight deck warning system.

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring the installation of a warning system which includes dual safety lights in each door structure and improve the flight deck warning system was published in the **Federal Register** on June 18, 1983 (48 FR 35704). The comment period closed on August 8, 1983, and interested persons have been afforded an opportunity to participate in the making of this amendment. Two comments were received. Both opposed the proposed AD. One commenter pointed out that the modification proposed will neither increase safety nor reliability. The FAA disagrees; the installation of safety lights on the doors will provide added assurance that the doors are properly secured and the new micro-switch will give more reliable indications in the cockpit. The other commenter simply stated that they were strictly following the operational rules and that they did not see the reason for additional safety items. However, malfunctioning micro-switches can give no warning in the cockpit that the doors are not properly locked.

It is estimated that 63 U.S. registered airplanes will be affected by this AD, that it will take approximately 60 manhours per airplane to accomplish the required actions, and that the average labor cost will be \$35 per manhour. Repair parts are estimated at \$17,600 per airplane. Based on these figures, the total cost impact of this AD to the U.S. operators is estimated to be \$1,241,100. For these reasons, the proposed rule is not considered to be a major rule under the criteria of Executive Order 12291. Few small entities within the meaning of the Regulatory Flexibility Act operate this type aircraft.

Therefore, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

#### List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

#### PART 39—[AMENDED]

##### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

**British Aerospace:** Applies to all Model BAC 1-11 200 and 400 series airplanes certificated in all categories. Compliance is required as indicated. To assure detection if improperly closed doors and prevent the forward passenger or

forward service door from opening during flight, accomplish the following, unless already accomplished:

A. Within 9 months after the effective date of this AD, install an auxiliary forward passenger and forward service door status warning system in accordance with paragraph 2, "Accomplishment Instructions," of British Aerospace Service Bulletin 52-PM3329 Part 2, Revision No. 2, dated November 12, 1980.

B. Alternate means of compliance which provide an equivalent level of safety may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

This amendment becomes effective January 30, 1984.

(Sec. 313(a), 314(a), 601 through 610, and 1102 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 through 1430, and 1502); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89)

**Note.**—For the reasons discussed earlier in the preamble, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities. A final evaluation has been prepared for this regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "**FOR FURTHER INFORMATION CONTACT.**"

Issued in Seattle, Washington, on December 15, 1983.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 83-34185 Filed 12-23-83; 8:45 am]

**BILLING CODE 4910-13-M**

#### 14 CFR Part 39

[Docket No. 83-ASW-46; Amdt. 39-4784]

#### Airworthiness Directives; Hiller Model UH-12 Series Helicopters

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment supersedes a currently effective airworthiness directive (AD) which requires repetitive inspections and replacement, if necessary, of certain main rotor blades on Hiller Model UH-12 series helicopters. This superseding AD is required because a rotor blade from the exempt group of rotor blades has failed necessitating expansion of the

applicability established in the original AD. This AD requires repetitive inspections and replacement, if necessary, of specific serial numbers of affected main rotor blades to preclude structural failure of the main rotor blade which could result in loss of the helicopter.

**DATES:** Effective December 29, 1983.

Compliance schedule—As prescribed in body of the AD.

**ADDRESSES:** The applicable service information may be obtained from Hiller Aviation, 2075 West Scranton Avenue, Porterville, California 93257.

A copy of the service information may be examined at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas 76106.

**FOR FURTHER INFORMATION CONTACT:** Marshall Burquest, Supervisor, Airframe Section, ANM-172W, Western Aircraft Certification Office, Federal Aviation Administration, P. O. Box 92007, Worldway Postal Center, Los Angeles, California 90009, telephone number (213) 536-6359.

**SUPPLEMENTARY INFORMATION:** This amendment supersedes an existing AD, Amendment 39-3897 (45 FR 56331), as amended by Amendment 39-3935 (45 FR 65997), AD 80-18-01 R1, currently requiring inspection and replacement, if necessary, of certain main rotor blades on Hiller UH-12 series helicopters.

The AD was the result of Hiller Aviation main rotor blades P/N 53200-03 experiencing root doubler delaminations and one instance of rotor blade skin bond separation in flight, which caused severe vibration. The helicopter made a forced landing without further damage. The skin of the blade had separated from the spar and honeycomb for a distance of approximately two feet at the tip. The AD exempted 75 main rotor blades that had undergone a product improvement process in which sealant was carefully applied to the exposed edges of the blade root doublers and skins. A laboratory test had indicated that this change would minimize or alleviate the problem of delamination and skin bond separation.

After issuing Amendments 39-3897 and 39-3935, the FAA received a report that one of the exempt blades (serial number 092) had failed by delamination and that the product improvement process had not been effective. The applicability of the existing AD must be expanded to include the main rotor blades that were exempt from the AD.

Therefore, the AD is being superseded by a new AD with broader applicability requiring repetitive inspections for evidence of skin bond separation and root doubler delamination on all main rotor blades P/N 53200-03, serial numbers 038 through 286, without exception. The inspections required by this new AD are identical to the inspections required by AD 80-18-01 R1.

Since the root doubler delamination and blade skin bond separation are likely to exist or develop on other helicopters of the same type design, an airworthiness directive is being issued which requires repetitive inspections and removal from service, if necessary, of certain model main rotor blades on Hiller UH-12 helicopters.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

#### Adoption of the Amendment

#### PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by deleting AD 80-18-01 R1, Amendment 39-3897 as amended by 39-3935 and adding the following new airworthiness directive:

**Hiller Aviation:** Applies to Models UH-12D, UH-12E, UH-12E 4 Place, H-23F, and OH-23G series helicopters equipped with main rotor blades P/N 53200-03, serial numbers 038 through 286, certificated in any category. Hiller Model UH-12 series helicopters converted to turbine power by STC SH177WE or SH178WE are affected by this AD.

Compliance is required as indicated (unless already accomplished).

To prevent possible main rotor blade failure due to the delamination of the main rotor blade root doublers or skin bond separation, accomplish the following:

(a) Prior to further flight after the effective date of this AD, and prior to each subsequent flight, visually check the main rotor blade root doubler area for evidence of delamination. This check includes all doublers on the leading edge and trailing edge surfaces, upper and lower, from the fork attachment plate to the tip of the outboard doubler. Delamination will be evidenced by a lifting of the doubler edges and/or cracks in the painted surface.

(b) If the check indicates delamination, prior to further flight, replace the blade with a like serviceable part or consult the Manager,

Western Aircraft Certification Office, for instructions and disposition of the blade. Descriptive data regarding the extent of the delamination must be made available to the FAA.

(c) The check required by paragraph (a) of this AD may be performed by the pilot, provided his logbook is endorsed by a properly rated mechanic stating that the pilot has been trained to conduct the check.

(d) Within the next 50 hours' time in service after the effective date of this AD, and thereafter at intervals not to exceed 50 hours' time in service from the last inspection, inspect the main rotor blade root doubler area for evidence of delamination in accordance with paragraph 2.B of Hiller Aviation Service Letter 51-3A, Revision 1, dated October 17, 1983, or an equivalent as noted in paragraph (i). If delamination is found, comply with paragraph (b).

(e) Within the next 100 hours' time in service after the effective date of this AD, and thereafter at intervals not to exceed 100 hours' time in service from the last inspection, inspect main rotor blades for evidence of skin bond separation in accordance with paragraph 2.A of Hiller Aviation Service Bulletin UH-12-51-7, Revision 1, dated October 3, 1983, or an equivalent as noted in paragraph (i).

**Note.**—The main rotor blade bond separation occurred on the blade tip leading edge and extended a distance of approximately 2 feet.

(f) If the main rotor blade inspection indicates skin bond separation, prior to further flight, replace blade with a like serviceable part or consult the Manager, Western Aircraft Certification Office, for instructions and disposition of the blade. Descriptive data regarding the extent of the skin bond separation must be made available to the FAA.

(g) Mark all rejected blades "UNAIRWORTHY" on the blade upper and lower surface at the approximate mid span with lettering at least 2 inches high, and using a metal stamp, impress "UNAIRWORTHY" on the data plate.

(h) All checks and inspections are to be recorded in aircraft maintenance records.

(i) Alternative inspections, modifications, or other actions which provide an equivalent level of safety may be used when approved by the Manager, Western Aircraft Certification Office, FAA, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009.

This supersedes Amendment 39-3897 (45 FR 58331), as amended by Amendment 39-3935 (45 FR 65997), AD 80-18-01 R1.

This amendment becomes effective December 29, 1983.

(Secs. 313(a), 314(a), 601 through 610, and 1102, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 through 1430, and 1502); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89)

**Note.**—The FAA has determined that this regulation is an emergency regulation that is not considered to be major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order

12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It is certified that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation or analysis is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Fort Worth, Texas on December 8, 1983.

C. R. Melugin, Jr.,  
Director, Southwest Region.

[FR Doc. 83-34187 Filed 12-23-83; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 71

[Airspace Docket No. 83-ASW-45]

#### Designation of Control Zone; San Antonio Stinson Municipal Airport, TX

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment will designate a control zone at San Antonio Stinson Municipal Airport, TX. The intended effect of the amendment is to provide controlled airspace for aircraft executing standard instrument approach procedures (SIAPs) to the Stinson Municipal Airport. This amendment is necessary since the FAA canceled the control zone at this airport on October 29, 1981, due to a shortage of personnel to operate the airport traffic control tower (ATCT). This situation has now changed and the ATCT will reopen, therefore, qualifying the airport for establishment of controlled airspace to the surface.

**EFFECTIVE DATE:** January 19, 1984.

**FOR FURTHER INFORMATION CONTACT:** Kenneth L. Stephenson, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101, telephone (817) 877-2630.

**SUPPLEMENTARY INFORMATION:**  
History

On October 28, 1983, a notice of proposed rulemaking was published in the Federal Register (48 FR 49864) stating that the Federal Aviation Administration proposed to designate the San Antonio Stinson Municipal Airport, TX, control zone. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the

proposal to the Federal Aviation Administration. Comments were received without objections. Except for editorial changes, this amendment is that proposed in the notice.

#### List of Subjects in 14 CFR Part 71

Control zones, Aviation safety.

#### Adoption of the Amendment

#### PART 71—[AMENDED]

Accordingly, pursuant to the authority delegated to me, by the Administrator, Subpart F of Part 71, § 71.171, of the Federal Aviation Regulations (14 CFR Part 71) as republished in Advisory Circular AC 70-3A dated January 3, 1983, is amended, effective 0901 GMT, January 19, 1984, as follows:

#### San Antonio Stinson Municipal Airport, TX New

Within a 5-mile radius of Stinson Municipal Airport (latitude 29°20'12" N., longitude 98°28'15" W.), excluding that airspace designated as the San Antonio Kelly Air Force Base, TX, control zone and that airspace southwest of a line from the Stinson VOR to latitude 29°19'04" N., longitude 98°31'04" W. This control zone is effective during the specific dates and times established in advance by a Notice of Airmen. The effective dates and times will thereafter be continuously published in the Airport/Facility Directory.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); Sec. 6(c), 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.61(c))

**Note.**—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Fort Worth, TX, on December 14, 1983.

**F. E. Whitfield,**

*Acting Director, Southwest Region.*

[FR Doc. 83-34184 Filed 12-23-83; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 71

[Airspace Docket No. 83-AGL-15]

#### Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Cancellation of Control Zone

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** The nature of this Federal action is to cancel the Manistee, Michigan, control zone. Facility records of the Traverse City, Michigan, FAA Flight Service Station, which serves Manistee County-Blacker Airport, disclosed that no weather observations have been received from that airport for at least the past 3 months. A prime requirement for continued airspace designation is not being met. The intended effect of this action is to return the associated airspace to a non-controlled status.

**EFFECTIVE DATE:** March 15, 1984.

**FOR FURTHER INFORMATION CONTACT:** Edward R. Heaps, Airspace, Procedures, and Automation Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694-7360.

**SUPPLEMENTARY INFORMATION:** One of the requirements for the continued designation of a control zone is that the required weather observations, hourly and special, be transmitted expeditiously to the Air Traffic Control facility having jurisdiction over that control zone. Facility records of the Traverse City, Michigan, FAA Flight Service Station, which serves Manistee County-Blacker Airport, disclosed that no whether observations have been received from that airport for at least the past 3 months. Communications with the Airport Manager concerning this matter were not acknowledged. Inasmuch as a prime requirement for continued airspace designation is not being met, this Notice of Proposed Rulemaking initiates action to cancel the Manistee, Michigan, control zone and to return the airspace involved to a non-controlled status.

Aeronautical maps and charts will reflect the control zone cancellation.

#### History

On page 45566 of the Federal Register

dated October 6, 1983, the FAA proposed to amend § 71.171 of the Federal Aviation Regulations (14 CFR Part 71) so as to cancel the control zone near Manistee, Michigan. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rulemaking.

Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.171 of Part 71 of the Federal Aviation Regulations was published in Advisory Circular AC 70-3A dated January 3, 1983.

#### List of Subjects in 14 CFR Part 71

Control zones, Aviation safety.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 G.m.t., March 15, 1984, as follows:

#### Manistee, MI.

Cancelled.

Secs. 313(a) and 314(a), 601 through 610, and 1102 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 through 1430, and 1502); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983).

**Note:** The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, it is certified that this—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on December 1, 1983.

**Monte R. Belger,**

*Acting Director, Great Lakes Region.*

[FR Doc. 83-34039 Filed 12-23-83; 8:45 am]

BILLING CODE 4910-13-M

**DEPARTMENT OF COMMERCE**  
**Bureau of Economic Analysis**  
**15 CFR Parts 802, 803, and 806**

**Annual Reporting of Revenues for Carrying Imports to, Expenditures in, the United States of Shipping and Air Transport Operators of Foreign Nationality; Reports on International Transactions in Royalties and Fees With Unaffiliated Foreign Residents and Direct Investment Surveys**

**AGENCY:** Bureau of Economic Analysis, Commerce.

**ACTION:** Technical amendments.

**SUMMARY:** The Bureau of Economic Analysis is issuing this final rule to amend regulations that do not display currently valid Office of Management and Budget (OMB) control numbers. The Paperwork Reduction Act (PRA) requires each agency to publish in the *Federal Register* the OMB control number for each information collection form referenced in the CFR to avoid confusion about whether a collection of information contained in a regulation has been approved by OMB.

**EFFECTIVE DATE:** December 27, 1983.

**FOR FURTHER INFORMATION CONTACT:** Marci Levin, 377-1328.

Dated: December 19, 1983.

Allan H. Young,

Deputy Director, Bureau of Economic Analysis.

**SUPPLEMENTARY INFORMATION:**

**List of Subjects**

**15 CFR Part 802**

Air carriers, Economic statistics, Foreign trade, Imports, Maritime carriers, Reporting and recordkeeping requirements.

**15 CFR Part 803**

Economic statistics, Foreign trade, Reporting and recordkeeping requirements.

**15 CFR Part 806**

Economic statistics, Foreign investment in the United States, Reporting and recordkeeping requirements, United States investments abroad.

The authority citation for 15 CFR Part 802 is:

R.S. 161; 5 U.S.C. 301; Interpret or apply sec. 8, 59 Stat. 515; 22 U.S.C. 286f, E.O. 10033, 14 FR 561, 3 CFR 1949 Supp.

The authority citation for 15 CFR Part 803 is:

(Sec. 8(b), Bretton Woods Agreement Act, 59 Stat. 515 (22 U.S.C. 286(f); sec. 4(b) of the Federal Act (44 U.S.C. 3509)).

The authority citation for 15 CFR Part 806 is:

5 U.S.C. 301, 22 U.S.C. 3101, and E.O. 11961.

**PART 802—[AMENDED]**

For the reasons stated in the preamble, 15 CFR Part 802 is amended by adding a new § 802.5 to read as follows:

**§ 802.5 OMB Control Numbers assigned pursuant to the Paperwork Reduction Act.**

(a) *Purpose.* This section will comply with the requirements of section 3507(f) of the Paperwork Reduction Act (PRA) which require agencies to display a current control number assigned by the Director of OMB for each agency information collection requirement.

(b) *Display.*

| 15 CFR section where identified and described | Current OMB control No. |
|---|-------------------------|
| 802.1 through 802.4 .....                     | 0608-0012<br>0013       |

**PART 803—[AMENDED]**

For the reasons stated in the preamble, 15 CFR Part 803 is amended by adding a new § 803.7 to read as follows:

**§ 803.7 OMB Control Numbers assigned pursuant to the Paperwork Reduction Act.**

(a) *Purpose.* This section will comply with the requirements of section 3507(f) of the Paperwork Reduction Act (PRA) which require agencies to display a current control number assigned by the Director of OMB for each agency information collection requirement.

(b) *Display.*

| 15 CFR section where identified and described | Current OMB control No. |
|---|-------------------------|
| 803.1 through 803.6 .....                     | 0608-0017               |

**PART 806—[AMENDED]**

For the reasons stated in the preamble, 15 CFR Part 806 is amended by adding a new § 806.18 to read as follows:

**§ 806.18 OMB Control Numbers assigned pursuant to the Paperwork Reduction Act.**

(a) *Purpose.* This section will comply with the requirements of section 3507(f) of the Paperwork Reduction Act (PRA) which require agencies to display a current control number assigned by the Director of OMB for each agency information collection requirement.

(b) *Display.*

| 15 CFR section where identified and described | Current OMB control No.   |
|---|---|
| 806.1 through 806.17 .....                    | 0608-0020<br>0024<br>0032<br>0004<br>0035<br>0030<br>0009<br>0029<br>0034 |

[FR Doc. 83-34115 Filed 12-23-83; 8:45am]

BILLING CODE 3510-06-M

**FEDERAL TRADE COMMISSION**

**16 CFR Part 3**

**Procedures and Practice Rules**

**AGENCY:** Federal Trade Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission has amended § 3.46 of its Rules of Practice and Procedure to require parties to include in their statements of proposed findings of fact and conclusions of law an index their exhibits and witnesses. The Commission has determined that the Administrative Law Judges in preparing initial decisions, and the Commission in ruling on appeals from initial decisions, will be better able to review the evidentiary records if each party to an adjudication is required to file indices of its exhibits and witnesses. These indices will assist the Administrative Law Judges and the Commission to find relevant testimony, documents and other exhibits in the record and are expected to result in more prompt decisions based on a better understanding of the record.

**EFFECTIVE DATE:** February 6, 1984.

**FOR FURTHER INFORMATION CONTACT:** Bruce G. Freedman, Deputy Assistant General Counsel, Federal Trade Commission, 6th & Pennsylvania Ave., NW., Washington, D.C. 20580, (202) 523-3487.

**SUPPLEMENTARY INFORMATION:**

**List of Subjects in 16 CFR Part 3**

Administrative practice and procedure.

**PART 3—[AMENDED]**

Accordingly, the Commission revises 16 CFR 3.46 to read as follows:

**§ 3.46 Proposed findings, conclusions, and order.**

(a) *General.* At the close of the reception of evidence, or within a reasonable time thereafter fixed by the Administrative Law Judge, any party



may file with the Secretary of the Commission for consideration of the Administrative Law Judge proposed findings of fact, conclusions of law, and rule or order, together with reasons therefor and briefs in support thereof. Such proposals shall be in writing, shall be served upon all parties, and shall contain adequate references to the record and authorities relied on.

(b) *Exhibit Index.* The first statement of proposed findings of fact and conclusions of law filed by a party shall include an index listing for each exhibit offered by the party and received in evidence: (1) the exhibit number, followed by (2) the exhibit's title or a brief description if the exhibit is untitled; (3) the transcript page at which the Administrative Law Judge ruled on the exhibit's admissibility or a citation to any written order in which such ruling was made; (4) the transcript pages at which the exhibit is discussed; (5) an identification of any other exhibit which summarizes the contents of the listed exhibit, or of any other exhibit of which the listed exhibit is a summary; (6) a cross-reference, by exhibit number, to any other portions of that document admitted as a separate exhibit on motion by any other party; and (7) a statement whether the exhibit has been accorded *in camera* treatment.

(c) *Witness Index.* The first statement of proposed findings of fact and conclusions of law filed by a party shall also include an index to the witnesses called by that party, to include for each witness: (1) the name of the witness; (2) a brief identification of the witness; (3) the transcript pages at which any testimony of the witness appears; and (4) a statement identifying any portion of the witness' testimony that was received *in camera*.

(d) *Stipulated Indices.* As an alternative to the filing of separate indices, the parties are encouraged to stipulate to joint exhibit and witness indices at the time the first statement of proposed findings of fact and conclusions of law is due to be filed.

(e) *Rulings.* The record shall show the Administrative Law Judge's ruling on each proposed finding and conclusion, except when the order disposing of the proceeding otherwise informs the parties of the action taken.

(15 U.S.C. 46(g))

By direction of the Commission dated December 13, 1983.

Emily H. Rock,  
Secretary.

[FR Doc. 83-34229 Filed 12-23-83; 8:45 am]

BILLING CODE 6750-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Part 5

#### Delegations of Authority and Organization; National Center for Devices and Radiological Health Officials, et al.

**AGENCY:** Food and Drug Administration.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the regulations for delegations of authority relating to functions performed by officials in the National Center for Devices and Radiological Health (NCDRH). The titles used in this amendment conform to the new organizational substructure of NCDRH in the reorganization approved by the Secretary of Health and Human Services and published in the *Federal Register* of November 30, 1983 (48 FR 54128).

**EFFECTIVE DATE:** November 30, 1983.

**FOR FURTHER INFORMATION CONTACT:** Robert L. Miller, Office of Management and Operations (HFA-340), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4976.

**SUPPLEMENTARY INFORMATION:** The reorganization of FDA on October 8, 1982 (47 FR 44614) merged the Bureau of Medical Devices with the Bureau of Radiological Health to create the National Center for Devices and Radiological Health (NCDRH). A continuing delegation of authority was included in the reorganization order to permit NCDRH officials to continue normal operations while an indepth study was conducted to develop an organization structure that would fully integrate the functions of the merged bureaus. The result of that study is the reorganization that was approved by the Secretary and became effective on November 30, 1983. Although some of the authorities delegated to bureau officials before the merger were amended to reflect new titles and organizational placement under the temporary organization, many were not because of the impending comprehensive reorganization, which has now been approved.

This document revises the delegations of authority contained in Part 5 relating to the functions assigned to NCDRH. The affected sections are § 5.23 *Disclosure of official records* (21 CFR 5.23); § 5.25 *Research, investigation, and testing programs and health information and health promotion programs* (21 CFR 5.25); § 5.26 *Service fellowships* (21 CFR

5.26); § 5.30 *Hearings* (21 CFR 5.30); § 5.31 *Petitions under Part 10* (21 CFR 5.31); § 5.37 *Issuance of reports of minor violations* (21 CFR 5.37); § 5.45 *Imports and exports* (21 CFR 5.45); § 5.46 *Manufacturer's resident import agents* (21 CFR 5.46); § 5.47 *Detention of adulterated or misbranded medical devices* (21 CFR 5.47); § 5.49 *Authorization to use alternative evidence for determination of the effectiveness of medical devices* (21 CFR 5.49); § 5.50 *Notification to petitioners of determinations made on petitions for reclassification of medical devices* (21 CFR 5.50); § 5.52 *Notification to sponsors of deficiencies in petitions for reclassification of medical devices* (21 CFR 5.52); § 5.53 *Approval, disapproval, or withdrawal of approval of applications for premarket approval for medical devices* (21 CFR 5.53); § 5.54 *Determinations that medical devices present unreasonable risk of substantial harm* (21 CFR 5.54); § 5.55 *Orders to repair or replace, or make refunds for, medical devices* (21 CFR 5.55); § 5.59 *Approval, disapproval, or withdrawal of approval of applications for investigational device exemptions* (21 CFR 5.59); § 5.78 *Issuance, amendment, or repeal of regulations pertaining to antibiotic drugs* (21 CFR 5.78); § 5.86 *Granting and withdrawing variances from performance standards for electronic products* (21 CFR 5.86); § 5.87 *Exemption of electronic products from performance standards and prohibited acts* (21 CFR 5.87); § 5.88 *Testing programs and methods of certification and identification for electronic products* (21 CFR 5.88); § 5.89 *Notification of defects in, and repair or replacement of, electronic products* (21 CFR 5.89); § 5.90 *Manufacturers requirement to provide data to ultimate purchasers of electronic products* (21 CFR 5.90); § 5.91 *Dealer and distributor direction to provide data to manufacturers of electronic products* (21 CFR 5.91); and § 5.92 *Acceptance of assistance from State and local authorities for enforcement of radiation control legislation and regulation* (21 CFR 5.92).

Where appropriate in the sections above, references to Bureau of Drugs and Bureau of Biologics officials have also been changed to conform with their organizational placement and new titles within the National Center for Drugs and Biologics.

Further redelegation of the authority delegated is not authorized. Authority delegated to a position by title may be exercised by a person officially designated to serve in such position in

an acting capacity or on a temporary basis.

#### List of Subjects in 21 CFR Part 5

Authority delegations (Government agencies), Organization and functions (Government agencies).

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 5 is amended as follows:

#### PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

1. By revising § 5.23(c) to read as follows:

##### § 5.23 Disclosure of official records.

(c) The following officials are authorized to sign affidavits regarding the presence or absence of medical device establishment registration records:

(1) The Director and Deputy Director, National Center for Devices and Radiological Health (NCDRH).

(2) The Director and Deputy Director, Office of Compliance, NCDRH.

(3) The Director, Division of Product Surveillance, Office of Compliance, NCDRH.

2. By revising § 5.25 (a) and (b) to read as follows:

##### § 5.25 Research, investigation, and testing programs and health information and health promotion programs.

(a) The following officials are authorized under sections 301, 307, 311, 1701, 1702, 1703, and 1704 of the Public Health Service Act (the act) to establish research, investigation, and testing programs and health information and health promotion programs, which relate to their assigned functions, and to approve grants for conducting such programs:

(1) The Director, National Center for Toxicological Research.

(2) The Director and Deputy Director, National Center for Devices and Radiological Health (NCDRH).

(3) The Director, Scientific Director, and Associate Director for Program Development and Operations, National Center for Drugs and Biologics.

(4) Directors of Bureaus.

(5) Executive Director of Regional Operations.

(b) The Director and Deputy Director, NCDRH, are authorized to establish an electronic product radiation control program and to approve grants for

conducting the program under section 356 of the act.

3. By revising § 5.26 to read as follows:

##### § 5.26 Service Fellowships.

The following officials are authorized to designate persons to receive service fellowships in the Food and Drug Administration Staff Fellowship Program under section 207(g) of the Public Health Service Act:

(a) Associate and Deputy Associate Commissioners.

(b) The Director, National Center for Toxicological Research (NCTR), and the Director, Office of Management, NCTR.

(c) The Director and Deputy Director, National Center for Devices and Radiological Health (NCDRH), and the Director and Deputy Director, Office of Management and Systems, NCDRH.

(d) The Director, Scientific Director, and Associate Director for Program Development and Operations, National Center for Drugs and Biologics (NCDB), and the Director, Office of Management, NCDB.

(e) The Director and Deputy Director, Bureau of Foods (BF), and the Associate Director for Planning and Operations, BF.

(f) The Director and Deputy Director, Bureau of Veterinary Medicine (BVM), and the Associate Director for Voluntary Compliance and Operations, BVM.

(g) The Executive Director and Deputy Executive Director of Regional Operations (EDRO) and the Associate Director for Administration, EDRO.

4. By revising § 5.30 (a)(3), (b), and (c)(4) to read as follows:

##### § 5.30 Hearings.

(a) \* \* \*

(3) The Director and Deputy Director, National Center for Devices and Radiological Health (NCDRH).

(b) The Director and Deputy Director, NCDRH, are authorized to hold hearings, and to designate other officials to hold informal hearings, under section 360(a) of the Public Health Service Act.

(c) \* \* \*

(4) The Director and Deputy Director, NCDRH.

5. By revising § 5.31(c)(3) to read as follows:

##### § 5.31 Petitions under Part 10.

(c) \* \* \*

(3) The Director and Deputy Director, National Center for Devices and Radiological Health.

6. By revising § 5.37(a)(2) (ii) and (iii) and (b) (2) and (3) to read as follows:

##### § 5.37 Issuance of reports of minor violations.

(a) \* \* \*

(2) \* \* \*

(ii) The Director and Deputy Director, Office of Compliance, NCDRH.

(iii) The Director, Division of Compliance Operations, Office of Compliance, NCDRH.

(b) \* \* \*

(2) The Director and Deputy Director, Office of Compliance, NCDRH.

(3) The Director, Division of Compliance Operations, Office of Compliance, NCDRH.

7. By revising § 5.45(b) introductory text, (b)(4), (c), and (e)(1) to read as follows:

##### § 5.45 Imports and exports.

(b) The Director and Deputy Director, National Center for Devices and Radiological Health (NCDRH); the Director and Deputy Director, Office of Compliance, NCDRH; Regional Food and Drug Directors; District Directors; and chiefs of Station Offices are authorized, under section 360 of the Public Health Service Act (PHSA):

(4) To refuse or to grant permission and time extensions to bring noncomplying products into compliance with the PHSA in accordance with a corrective action plan approved by the Director, Office of Compliance, NCDRH.

(c) The following officials are authorized, under section 360B(b) of the PHSA, to exempt persons from issuing a certification, as required by section 358(h) of the PHSA, for electronic products imported into the United States for testing, evaluation, demonstrations, or training, which will not be introduced into commerce and upon completion of their function will be destroyed or exported in accord with Bureau of Customs' regulations:

(1) The Director and Deputy Director, NCDRH.

(2) The Director and Deputy Director, Office of Compliance, NCDRH.

(3) Regional Food and Drug Directors.

(4) District Directors.

(5) Chiefs of Station Offices.



(e) \* \* \*

(1) For medical devices assigned to their respective organization:

(i) The Director and Deputy Director, National Center for Devices and Radiological Health (NCDRH).

(ii) The Director and Deputy Director, Office of Compliance, NCDB.

(iii) The Director and Scientific Director, National Center for Drugs and Biologics (NCDB).

(iv) The Director, Deputy Director, and Director, Division of Compliance, Office of Biologics, NCDB.

\* \* \* \* \*

8. By revising § 5.46 to read as follows:

**§ 5.46 Manufacturer's resident import agents.**

The Director and Deputy Director, National Center for Devices and Radiological Health, are authorized to reject manufacturer's designations of import agents under § 1005.25(b) of this chapter.

9. By revising § 5.47(a) to read as follows:

**§ 5.47 Detention of adulterated or misbranded medical devices.**

(a) For medical devices assigned to their respective organizations:

(1) The Director and Deputy Director, National Center for Devices and Radiological Health (NCDRH).

(2) The Director and Deputy Director, Office of Compliance, NCDRH.

(3) The Director and Scientific Director, National Center for Drugs and Biologics (NCDB).

(4) The Director, Deputy Director, and Director, Division of Compliance, Office of Biologics, NCDB.

\* \* \* \* \*

10. By revising § 5.49 to read as follows:

**§ 5.49 Authorization to use alternative evidence for determination of the effectiveness of medical devices.**

The following officials, for medical devices assigned to their respective organizations, may authorize under section 513(a)(3)(B) of the Federal Food, Drug, and Cosmetic Act (the act) the use of valid scientific evidence (other than that prescribed by section 513(a)(3)(A) of the act) for determining the effectiveness of medical devices for the purposes of sections 513, 514, and 515 of the act:

(a) The Director and Deputy Director, National Center for Devices and Radiological Health (NCDRH), and the Director, Deputy Director, and Associate Director, Office of Device Evaluation, NCDRH.

(b) The Director and Scientific Director, National Center for Drugs and Biologics (NCDB), and the Director and Deputy Director, Office of Biologics, NCDB.

11. By revising § 5.50 to read as follows:

**§ 5.50 Notification to petitioners of determinations made on petitions for reclassification of medical devices.**

The following officials, for medical devices assigned to their respective organizations, are authorized to notify petitioners of determinations made on petitions for reclassification of medical devices that are classified in class III (premarket approval) by sections 513(f) and 520(l) of the Federal Food, Drug, and Cosmetic Act (the act) and denials of petitions for reclassification of medical devices that are submitted under section 513(e) of the act (except for petitions submitted in response to Federal Register notices initiating standard-setting under section 514(b) of the act or premarket approval under section 515(b) of the act):

(a) The Director and Deputy Director, National Center for Devices and Radiological Health (NCDRH), and the Director, Deputy Director, and Associate Director, Office of Device Evaluation, NCDRH.

(b) The Director and Scientific Director, National Center for Drugs and Biologics (NCDB), and the Director and Deputy Director, Office of Biologics, NCDB.

12. By revising § 5.52 to read as follows:

**§ 5.52 Notification to sponsors of deficiencies in petitions for reclassification of medical devices.**

The following officials, for medical devices assigned to their respective organizations, are authorized to notify sponsors of deficiencies in petitions for reclassification of medical devices submitted under sections 513(f) and 520(l) of the Federal Food, Drug, and Cosmetic Act:

(a) The Director and Deputy Director, National Center for Devices and Radiological Health (NCDRH), and the Director, Deputy Director, and Associate Director, Office of Device Evaluation, NCDRH.

(b) The Director and Scientific Director, National Center for Drugs and Biologics (NCDB), and the Director and Deputy Director, Office of Biologics, NCDB.

13. By revising § 5.53 to read as follows:

**§ 5.53 Approval, disapproval, or withdrawal of approval of product development protocols and applications for premarket approval for medical devices.**

(a) The following officials, for medical devices assigned to their respective organizations, are authorized to approve, disapprove, declare as complete or incomplete, or revoke product development protocols for medical devices submitted under section 515(f) of the Federal Food, Drug, and Cosmetic Act (the act):

(1) The Director and Deputy Director, National Center for Devices and Radiological Health (NCDRH), and the Director, Deputy Director, and Associate Director, Office of Device Evaluation, NCDRH.

(2) The Director and Scientific Director, National Center for Drugs and Biologics (NCDB), and the Director and Deputy Director, Office of Biologics, NCDB.

(b)(1) The following officials, for medical devices assigned to their respective organizations, are authorized to approve, disapprove, or withdraw approval of applications for premarket approval for medical devices submitted under sections 515 and 520(l) of the act:

(i) The Director and Deputy Director, NCDRH, and the Director, Deputy Director, and Associate Director, Office of Device Evaluation, NCDRH.

(ii) The Director and Scientific Director, NCDB, and the Director and Deputy Director, Office of Biologics, NCDB.

(2) For medical devices assigned to their respective division, the Division Directors, Office of Device Evaluation, NCDRH, are authorized to approve, disapprove, or withdraw approval of supplemental premarket applications.

(c) The Director and Scientific Director, NCDB, are authorized to approve, disapprove, or withdraw approval of applications for premarket approval submitted under section 505 of the act or which are subject to section 520(l) of the act.

14. By revising § 5.54 to read as follows:

**§ 5.54 Determinations that medical devices present unreasonable risk of substantial harm.**

The following officials, for medical devices assigned to their respective organizations, are authorized to determine that medical devices present an unreasonable risk of substantial harm to the public health, and to order adequate notification thereof, under section 518(a) of the Federal Food, Drug, and Cosmetic Act:

(a) The Director and Deputy Director, National Center for Devices and Radiological Health.

(b) The Director and Scientific Director, National Center for Drugs and Biologics (NCDB), and the Director and Deputy Director, Office of Biologics, NCDB.

15. By revising § 5.55 to read as follows:

**§ 5.55 Orders to repair or replace, or make refunds for, medical devices.**

The following officials, for medical devices assigned to their respective organizations, are authorized to order repair or replacement of, or refund for, medical devices under section 518 (b) and (c) of the Federal Food, Drug, and Cosmetic Act:

(a) The Director and Deputy Director, National Center for Devices and Radiological Health.

(b) The Director and Deputy Director, National Center for Drugs and Biologics (NCDB), and the Director and Deputy Director, Office of Biologics, NCDB.

16. By revising § 5.59 to read as follows:

**§ 5.59 Approval, disapproval, or withdrawal of approval of applications for investigational device exemptions.**

(a) For medical devices assigned to their respective organizations, the following officials are authorized to approve, disapprove, or withdraw approval of applications for investigational device exemptions submitted under section 520(g) of the Federal Food, Drug, and Cosmetic Act (the act):

(1) The Director and Deputy Director, National Center for Devices and Radiological Health (NCDRH), and the Director, Deputy Director, and Associate Director, Office of Device Evaluation, NCDRH.

(2) The Director and Scientific Director, National Center for Drugs and Biologics (NCDB), and the Director and Deputy Director, Office of Biologics, NCDB.

(b) For medical devices assigned to their respective division, the Division Directors, Office of Device Evaluation, NCDRH, are authorized to approve, disapprove, or withdraw approval of applications for investigational device exemptions submitted under section 520(g) of the act.

17. By revising § 5.78 to read as follows:

**§ 5.78 Issuance, amendment, or repeal of regulations pertaining to antibiotic drugs.**

(a) The Director, Scientific Director, and Assistant Director for Regulatory

Affairs, National Center for Drugs and Biologics, are authorized to perform all the functions of the Commissioner of Food and Drugs under section 507 of the Federal Food, Drug, and Cosmetic Act (the act) regarding the issuance, amendment, or repeal of regulations pertaining to antibiotic drugs for human use.

(b) The Director and Deputy Director, National Center for Devices and Radiological Health, are authorized to perform all the functions of the Commissioner of Food and Drugs under section 507 of the act regarding the issuance, amendment, or repeal of regulations pertaining to antibiotic drugs for human use contained in medical devices.

18. By revising § 5.86 to read as follows:

**§ 5.86 Granting and withdrawing variances from performance standards for electronic products.**

The Director and Deputy Director, National Center for Devices and Radiological Health, are authorized to grant and withdraw variances from the provisions of performance standards for electronic products established in Subchapter J of this chapter.

19. By revising § 5.87 to read as follows:

**§ 5.87 Exemption of electronic products from performance standards and prohibited acts.**

The Director and Deputy Director, National Center for Devices and Radiological Health, are authorized to exempt from performance standards any electronic product intended for use by departments or agencies of the United States under section 358(a)(5) of the Public Health Service Act (the act) and to exempt an electronic product or class of products from all or part of the provisions of section 360B(a) of the act under section 360B(b) of that act.

20. By revising § 5.88 to read as follows:

**§ 5.88 Testing programs and methods of certification and identification for electronic products.**

The Director and Deputy Director, National Center for Devices and Radiological Health (NCDRH), and the Director and Deputy Director, Office of Compliance, NCDRH, are authorized to review and evaluate industry testing programs under section 358(g) of the Public Health Service Act (the act), and to approve or disapprove alternate methods of certification and identification and to disapprove testing

programs upon which certification is based under section 358(h) of the act.

21. By revising § 5.89 to read as follows:

**§ 5.89 Notification of defects in, and repair or replacement of, electronic products.**

(a) The Director and Deputy Director, National Center for Devices and Radiological Health (NCDRH), are authorized to perform all functions of the Commissioner of Food and Drugs relating to notification of defects in, noncompliance of, and repair or replacement of or refund for, electronic products under section 359 of the Public Health Service Act (the act) and under §§ 1003.11, 1003.22, 1003.31, 1004.2, 1004.3, 1004.4, and 1004.6 of this chapter; and Regional Food and Drug Directors, District Directors, and Chiefs of Station Offices are authorized to perform all such functions relating to:

(1) Assemblers of diagnostic x-ray systems, as defined in § 1020.30(b) of this chapter.

(2) Manufacturers of sunlamp products and ultraviolet lamps intended for use in any sunlamp product, as defined in § 1040.20(b) of this chapter.

(b) The Director and Deputy Director, Office of Compliance, NCDRH, are authorized to notify manufacturers of defects in, and noncompliance of, electronic products under section 359(e) of the act and under § 1003.11(a) of this chapter; and the chiefs of District Compliance Branches are authorized to perform all such functions relating to:

(1) Assemblers of diagnostic x-ray systems, as defined in § 1020.30(b) of this chapter.

(2) Manufacturers of sunlamp products and ultraviolet lamps intended for use in any sunlamp products, as defined in § 1040.20(b) of this chapter.

22. By revising § 5.90 to read as follows:

**§ 5.90 Manufacturers requirement to provide data to ultimate purchasers of electronic products.**

The Director and Deputy Director, National Center for Devices and Radiological Health, are authorized to require manufacturers to provide performance and technical data to the ultimate purchaser of electronic products under section 360A(c) of the Public Health Service Act.

23. By revising § 5.91 to read as follows:

**§ 5.91 Dealer and distributor direction to provide data to manufacturers of electronic products.**

The Director and Deputy Director, National Center for Devices and

Radiological Health (NCDRH), the Director and Deputy Director, Office of Compliance, NCDRH, are authorized to direct dealers and distributors of electronic products to furnish information on first purchasers of such products to the manufacturer of the product under section 360A(f) of the Public Health Service Act.

24. By revising § 5.92 to read as follows:

**§ 5.92 Acceptance of assistance from State and local authorities for enforcement of radiation control legislation and regulations.**

The Director and Deputy Director, National Center for Devices and Radiological Health, are authorized to accept assistance from State and local authorities engaged in activities related to health or safety or consumer protection on a reimbursable basis or otherwise, under section 360E of the Public Health Service Act.

*Effective date.* This regulation became effective November 30, 1983.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a)))

Dated: December 19, 1983.

Mark Novitch,

*Acting Commissioner of Food and Drugs.*

(FR Doc. 83-34196 Filed 12-23-83; 8:45 am)

BILLING CODE 4160-01-M

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

**Office of the Assistant Secretary for Housing—Federal Housing Commissioner**

**24 CFR Part 886**

[Docket No. R-83-1099; FR-1795]

**Section 8 Housing Assistance Payments Program; Special Allocations**

**AGENCY:** Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

**ACTION:** Final rule.

**SUMMARY:** The Department is adopting as final an interim rule that allows the use of Fair Market Rents (based on a percentage of the Fair Market Rents for Section 8 New Construction) for units which were previously assisted under the Rent Supplement and Rental Assistance Payments Programs and which are now being converted to the Section 8 program.

**EFFECTIVE DATE:** Upon expiration of the first period of 30 calendar days of continuous session of Congress after publication, but not before further notice

of the effective date is published in the Federal Register.

**FOR FURTHER INFORMATION CONTACT:**

James J. Tahash, Director, Program Planning Division, Office of Multifamily Housing Management, Room 6176, 451 Seventh Street, S.W., Washington, D.C. 20410. Telephone (202) 755-5654. (This is not a toll-free number.)

**SUPPLEMENTARY INFORMATION:** On

August 9, 1983, the Department published at 48 FR 36101 an interim rule which allows the use of Fair Market Rents (based on a percentage of the Fair Market Rents for Section 8 New Construction) for units which were previously assisted under the Rent Supplement and Rental Assistance Payments Programs and which are now being converted to the Section 8 program. Provision was made for public comment, and two comments were received. Both comments were supportive of the interim rule without change.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implement Section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. The Finding of No Significant Impact is available for public inspection and copying during regular business hours in the Office of the Rules Docket Clerk, Room 10278, 451 Seventh Street, S.W., Washington, D.C. 20410.

This rule does not constitute a "major rule" as that term is defined in Section 1(b) of the Executive Order on Federal Regulation issued by the President on February 17, 1981. Analysis of the rule indicates that it does not: (1) Have an annual effect on the economy of \$100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

In accordance with the provisions of 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the Undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities because it pertains to a relatively small number of units of the total number of units connected with the programs involved.

This rule is listed at 48 FR 47447 as item H-44-83 in the Department's Semiannual Agenda of Regulations

published on October 17, 1983, under Executive Order 12291 and the Regulatory Flexibility Act.

**List of Subjects in 24 CFR Part 886**

Grant programs—housing and community development, Low and moderate income housing, Rent subsidies.

**PART 886—[AMENDED]**

Accordingly, the interim rule amending 24 CFR 886.110, published on August 9, 1983 (48 FR 36101), is hereby adopted as final without change.

(Sec. 5(b), U.S. Housing Act of 1937, 42 U.S.C. 1437c(b); section 8, U.S. Housing Act of 1937, 42 U.S.C. 1437f; section 7(d), Department of HUD Act, 42 U.S.C. 3535(d))

Dated: December 19, 1983.

W. Calvert Brand,

*Acting Assistant Secretary for Housing—Federal Housing Commissioner.*

(FR Doc. 83-34232 Filed 12-23-83; 8:45 am)

BILLING CODE 4210-27-M

**DEPARTMENT OF THE INTERIOR**

**Office of Surface Mining Reclamation and Enforcement**

**30 CFR Part 946**

**Virginia Permanent Regulatory Program; Approval of State Program Amendment**

**AGENCY:** Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

**ACTION:** Final rule.

**SUMMARY:** This document amends 30 CFR Part 946 to approve an amendment consisting of statutory and regulation revisions submitted by the State of Virginia on May 20, 1983, to amend its permanent regulatory program which was conditionally approved by the Secretary of the Interior under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment relates to the State's Coal Surface Mining Reclamation Fund which is an alternative bonding system. After providing opportunity for public comment and conducting a thorough review of the program amendment in accordance with 30 CFR 732.17, the Director, OSM, has decided to approve the amendment.

**EFFECTIVE DATE:** December 27, 1983.

**FOR FURTHER INFORMATION CONTACT:**

Ralph Cox, Director, Virginia Field Office, Office of Surface Mining Reclamation and Enforcement, Highway 23, South, P.O. Box 626, Big Stone Gap,

Virginia 24219; Telephone: (703) 523-4303.

**ADDRESSES:** Copies of the Virginia program amendment, and all comments received on the proposed amendments are available for public review and copying at the OSM offices and the office of the State regulatory authority listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays:

Office of Surface Mining Reclamation and Enforcement, 1100 "L" Street, NW., Room 5315, Washington, D.C. 20240, Telephone: (202) 343-7896

Office of Surface Mining Reclamation and Enforcement, Highway 23, South, Big Stone Gap, Virginia 24219

Office of Surface Mining Reclamation and Enforcement, Flannagan and Carroll Streets, Lebanon, Virginia 24266

Virginia Division of Mined Land Reclamation, 622 Powell Avenue, Big Stone Gap, Virginia 24219.

**SUPPLEMENTARY INFORMATION:** The Virginia program was conditionally approved by the Secretary of the Interior on December 15, 1981 (46 FR 61088-61115). Information pertinent to the general background, revisions, modifications and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Virginia program can be found in the December 15, 1981 *Federal Register*. Information pertinent to the previous amendments submitted by Virginia concerning reclamation bonding can be found in the September 21, 1982 *Federal Register* (47 FR 41556), in the January 18, 1983 *Federal Register* (48 FR 2123) and in the February 28, 1983 *Federal Register* (48 FR 8271).

#### Background on Amendment

On May 20, 1983, Virginia submitted a proposed State program amendment consisting of an act, which amends and reenacts Sections 45.1-270.2-45.1-270.4 of the Code of Virginia, passed by the 1983 Virginia General Assembly relating to the State's Coal Surface Mining Reclamation Fund (Fund) and a draft copy of proposed regulations developed to implement the statutory amendment (Administrative Record No. VA 480). The statutory amendment, referred to as Chapter 131, modifies the statutory amendment creating the Fund submitted by Virginia on July 8, 1982, and approved by the Director, OSM, on September 21, 1982 (47 FR 41556). Chapter 131 and its implementing regulations would become effective

upon approval by OSM. The State also provided a side-by-side comparison of the original program amendment of July 8, 1982, and the proposed Chapter 131 amendment.

The major differences between the July 8, 1982, amendment creating the Fund and the modifications of May 20, 1983 include: deletion of a five year history of satisfactory operation requirement and the need to pay additional Fund taxes; a decrease in the entrance fee and a decrease in the bond rates; addition of self-bonding criteria for surface mining and associated facilities operations; and an increase of the minimum balance of the Fund to \$750,000 from \$500,000.

On June 16, 1983, OSM published a notice in the *Federal Register* to announce receipt of the amendment, public comment period and opportunity for public hearing (48 FR 27552). The public comment period closed on July 18, 1983. A public hearing scheduled for July 11, 1983, was not held because no one expressed an interest in participating. Following this opportunity for a public hearing and the public comment period, OSM on August 4, 1983, sent to the State a letter which set forth OSM's tentative findings on the proposed amendment (Administrative Record No. VA. 498). On October 6, 1983, Virginia responded to OSM's letter in order to resolve any potential deficiencies (Administrative Record No. VA. 508).

In light of Virginia's response of October 6, 1983, OSM again sent a letter to the State on October 31, 1983, regarding the adequacy of the proposed amendment (Administrative Record No. VA. 509). On November 16, 1983, OSM met with representatives of the State, Division of Mined Land Reclamation and Bonding Commission, to discuss the amendment and the prior correspondence between OSM and the State (Administrative Record No. VA 510). In response to that meeting, the State, on November 23, 1983, submitted clarifying material to resolve OSM's questions about the amendment (Administrative Record No. VA. 511).

On December 2, 1983, OSM reopened the comment period to allow the public sufficient time to consider the correspondence and meeting notes that transpired since the amendment was submitted initially (48 FR 54376). The public comment period closed on December 19, 1983.

#### Director's Findings

The Director finds, in accordance with SMCRA and 30 CFR 732.17 and 732.15, that the program amendment submitted by Virginia on May 20, 1983, consisting

of an act, amending and reenacting Sections 45.1-270.2-45.1-270.4 of the Code of Virginia and the promulgated regulations (Part V809), is consistent with sections 509 and 519 of SMCRA and no less effective than the alternative bonding system requirements of 30 CFR Part 800. Section 800.11(e) of the OSM bonding rules, 48 FR 32960 (July 19, 1983), establishes two standards for approval of an alternative bonding system: sufficient funds must be available to ensure that reclamation is completed should a default occur and the alternative must provide a substantial economic incentive for the permittee to comply with reclamation provisions.

In the November 16, 1983 meeting between OSM and Virginia officials and in the State's subsequent letter of November 23, 1983, Virginia provided clarification of issues previously raised by OSM. Although the clarifying material is contained in the Virginia administrative record, the Director believes that the clarifications submitted by Virginia warrant mentioning in this notice in order to provide the basis for the approval of the amendment in light of the standards for an alternative bonding system.

#### Section V809.11 Participation in the Fund

Virginia clarified that Part V809 of the Virginia Coal Surface Mining Reclamation Regulations is an alternative bonding program that pertains only to those participants in the Fund. Reclamation Fund participation is at the election of the permittee. A permittee may also elect to self-bond. Self-bond applicants not participating in the Fund are subject to the Virginia bonding regulations at Parts V800-V808.

#### Section V809.13 Self-bonding

Virginia clarified that the standards for self-bond applicants for underground operations at V809.13(a)(2) are also applicable to self-bond applicants for proposed surface mining operations or associated facilities as referenced at V809.13(b)(3). Most importantly, a surface mine self-bond applicant would have to have a net worth of \$1 million.

Virginia provided information to substantiate the \$1 million net worth standard for self-bonding eligibility at V809.13(a)(2). Virginia officials estimate that only 15-20 companies will self-bond under the Fund regulations and that each of these companies will have a history of continuous operation of no less than five years. As of November 23, 1983, Virginia had issued only one

permit that has potential reclamation liabilities exceeding \$1 million.

#### Section V809.10 Forfeiture

Virginia clarified the intent of Section V809.19(b) with regard to use of the Fund in the event of forfeiture. Virginia stated that it has the authority to use the Fund in the event of forfeiture to the extent necessary to meet reclamation liabilities under a particular permit. The subsection makes the Fund immediately accessible in those cases without the normal delay of collecting certificates of deposit, surety bonds, cognovit notes, or indemnity agreements.

On August 4, 1983, OSM recommended that Section V809.19(b) be amended to include a reference to V809.13(b) immediately after the current reference to § 809.12(c) to clarify that self-bond applicants of a proposed surface mining operation or associated facility, as well as self-bond applicants for underground operations, are subject to the forfeiture provisions of the section. Virginia responded that the omission of the citation was clearly an oversight and the regulations would be corrected as an insignificant change. The Director accepts that the omission was an oversight and that it will be corrected expeditiously. When Virginia incorporates the omitted reference, the Director requests that Virginia provide him with notification of the correction. However, as a requirement of this approval, the Director requires that Virginia not approve any self-bond permits of a proposed surface mining operation or associated facility unless the applicant has agreed to be subject to the forfeiture section of this amendment.

#### Adequacy of Fund

In response to OSM's concerns about the adequacy of the Fund, Virginia submitted data concerning Fund status. As of November 15, 1983, there were 98 participants in the Fund out of 174 permanent program permittees. Also, as of November 15, 1983, the Fund total, including entrance fees, reclamation tax and interest, was \$498,192.36.

Virginia stated that the \$1 million Fund ceiling is its best estimate of an amount adequate to assure reclamation liabilities for participants. Also, the State indicated that the Fund would become larger than \$1 million due to the requirement that taxes will be paid on each permit for a one year period commencing with and running from the date of coal production, processing or loading. Further, Virginia indicated that it continues to stand behind its estimate that forfeiture of bond will occur on 50 acres per year.

With regard to adequacy of the Fund, Virginia indicated that it will monitor the adequacy on a continuing basis and will adjust Fund criteria as necessary to ensure the viability of the program. The Director will also monitor the adequacy of the Fund. In conjunction with OSM's continuous oversight monitoring, the Director, as part of his original approval of the alternative bonding program on September 21, 1982, and his approval today of these modifications to the alternative program, requires the State to continue to provide a periodic report evaluating the adequacy of the Fund amount and other parameters. See 47 FR 41557, September 21, 1982.

#### Disposition of Comments

No relevant comments were received from the public on Virginia's proposed program amendment. Comments from Federal agencies were limited and did not identify any specific deficiencies of the proposed program amendment.

Pursuant to section 503(b) of SMCRA and 30 CFR Part 732.17(h)(10)(i), of those Federal agencies invited to comment, comments were received from the following: Bureau of Land Management, Mine Safety and Health Administration, the Army Corps of Engineers, Environmental Protection Agency and the Agricultural Stabilization and Conservation Service.

#### Additional Determinations

*Compliance with the National Environmental Policy Act:* The Secretary has determined that, pursuant to Section 702(d) of SMCRA, 30 U.S.C. 129(d), no environmental impact statement need be prepared on this rulemaking.

*Executive Order No. 12291 and the Regulatory Flexibility Act:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Section 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule will not impose any new requirements; rather, it will ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

*3. Paperwork Reduction Act:* This rule does not contain information collection requirements which require approval by

the Office of Management and Budget under 44 U.S.C. 3507.

#### List of Subjects in 30 CFR Part 946

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: December 21, 1983.

J. Roy Spradley,

*Acting Director, Office of Surface Mining.*

Authority: Pub. L. 95-87, Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*).

#### PART 946—VIRGINIA

30 CFR 946.15 is amended by adding paragraph (j) as follows:

#### § 946.15 Approval of regulatory program amendments.

\* \* \* \* \*

(j) The following amendment was approved effective December 27, 1983. Revised § 45.1-270.2—45.1-270.4 of the Code of Virginia and Virginia revised regulations of Part V809, submitted on May 20, 1983.

[FR Doc. 83-34321 Filed 12-23-83; 8:45 am]

BILLING CODE 4310-05-M

#### DEPARTMENT OF DEFENSE

#### Department of the Air Force

#### 32 CFR Part 960

#### Intelligence Oversight

**AGENCY:** Department of the Air Force, DOD.

**ACTION:** Final rule.

**SUMMARY:** The Department of the Air Force is amending its regulations by removing Part 960—Intelligence Oversight, of Chapter VII, Title 32. The source document, Air Force Regulation (AFR) 200-13 has been redesignated and revised. It is intended for internal guidance and has no applicability to the general public. This action is a result of departmental review in an effort to insure that only regulations which substantially affect the public are maintained in the Air Force portion of the Code of Federal Regulations.

**EFFECTIVE DATE:** December 27, 1983.

**FOR FURTHER INFORMATION CONTACT:** Col. Burchard, HQ AFISC/IGQI, Norton AFB, CA 92409, Telephone (714) 382-5521.

#### PART 960—[REMOVED]

Accordingly, 32 CFR is amended by removing Part 960.

**List of Subjects in 32 CFR Part 960.**

National defense, Military law.

Authority: 10 U.S.C. 8012.

Winnibel F. Holmes,

*Air Force Federal Register, Liaison Officer.*

[FR Doc. 83-34261 Filed 12-23-83; 8:45 am]

BILLING CODE 3910-01-M

**POSTAL SERVICE****39 CFR Part 233****Inspection Service Authority; Mail Covers; Correction****AGENCY:** Postal Service.**ACTION:** Final rule; correction.

**SUMMARY:** On December 20, 1983 (48 FR 56215), the Postal Service adopted its final rule to permit postal inspectors to make the decision to record, and to use in criminal investigations and prosecutions, the information found on the covers of the mail matter reasonably believed to be the evidence of a postal crime such as mail theft, embezzlement, or depredation. The effective date of the rule was shown to be January 20, 1983, which is incorrect. It should have been January 20, 1984.

**EFFECTIVE DATE:** January 20, 1984.**FOR FURTHER INFORMATION CONTACT:**

Charles R. Braun at (202) 245-4620.

(39 U.S.C. 401, 403, 404, 410, 411)

W. Allen Sanders,

*Associate General Counsel, Office of General Law and Administration.*

[FR Doc. 83-34205 Filed 12-23-83; 8:45 am]

BILLING CODE 7710-12-M

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 271**

[SW-2-FRL 2496-7]

**Hazardous Waste Management Program; Phase I Interim Authorization****AGENCY:** Environmental Protection Agency (EPA), Region II.**ACTION:** Granting of Phase I Interim Authorization to State Hazardous Waste Program.

**SUMMARY:** The State of New York has applied for Interim Authorization of its hazardous waste program under Subtitle C of the Resource Conservation and Recovery Act (RCRA) of 1976, as amended, and EPA guidelines for the approval of State hazardous waste programs at 40 CFR Part 271, Subpart B (formerly 40 CFR Part 123, Subpart F). EPA has reviewed New York's

hazardous waste program and has determined that the program is substantially equivalent to the Federal program. EPA is hereby granting Phase I Interim Authorization to New York to operate a hazardous waste program in lieu of Phase I of the Federal hazardous waste program in its jurisdiction.

**EFFECTIVE DATE:** December 27, 1983.**FOR FURTHER INFORMATION CONTACT:**

Evan Liblit, Solid Waste Branch, Air and Waste Management Division, U.S. Environmental Protection Agency, Region II, 26 Federal Plaza, New York, New York 10278 (212) 264-4536.

**SUPPLEMENTARY INFORMATION:****I. Background**

Subtitle C of the Resource Conservation and Recovery Act of 1976, as amended (RCRA), requires EPA to establish a comprehensive Federal program to assure the safe management of hazardous waste. One a Federal program is established, EPA is authorized under Section 3006 of RCRA to approve State hazardous waste programs to operate in lieu of the Federal program in their jurisdictions. Two types of State program approvals are authorized under RCRA: "Final Authorization" is a permanent approval which may be granted to States whose programs are "equivalent" to and "consistent" with the Federal programs, and "Interim Authorization" is a temporary approval for States which might not meet the requirements of Final Authorization, by whose programs are at least "substantially equivalent" to the Federal program. It is intended that States receiving Interim Authorization will use the Interim Authorization period to make the changes in their regulations and statutes necessary to qualify for Final Authorization.

On May 19, 1980 EPA published the first phase of the Federal hazardous waste program regulations (40 CFR Parts 260-263 and 265) including guidelines for authorizing State hazardous waste programs under Section 3006 (40 CFR Part 271; formerly 40 CFR Part 123). These guidelines set forth the requirements for Interim Authorization and the procedures which EPA will follow in acting on State applications for Interim Authorization. They also provide that EPA may grant Interim Authorization in two major phases (Phase I and Phase II), corresponding to the two major phases of the Federal program; namely compliance and enforcement and permit issuance.

On January 12, 1982, the State of New York submitted to EPA its complete application for Phase I Interim Authorization (IA application). In the

February 11, 1982, Federal Register (47 FR 6298), EPA announced the availability for public review of the New York application. EPA also indicated that a public hearing would be held on March 18, 1982, with the public record open until March 25, 1982.

After detailed review of the final New York IA application, written comments submitted by the public during the public notice period and oral comments received at the public hearing, EPA transmitted comments to the New York State Department of Environmental Conservation (DEC) on June 10, 1982. These comments requested revisions to the State's hazardous waste regulations. On October 21, 1983 the State filed proposed amended regulations with the New York Secretary of State. These regulations and additional clarifying correspondence from the DEC Commissioner on November 22, 1983 satisfactorily address all issues raised by EPA.

The issues raised by EPA addressed two major areas of concern. First, EPA questioned DEC's authority to incorporate by reference the Federal listing of hazardous wastes into its Identification and Listing regulation. Article IV Section 8 of the New York State Constitution has been construed by some New York State courts to invalidate the State's incorporation by reference of certain Federal regulations. The courts held that the Federal regulations in question would have to be set forth fully in the official compilation of New York regulations, and would have to be filed with the New York Secretary of State in their entirety. In order to remove any doubt about the legality of the State's identification and listing of hazardous waste, DEC filed the EPA regulations with the Secretary of State in their entirety.

Second, New York's regulations appear to provide that a generator storing hazardous waste for less than 90 days is exempt from regulation as a treatment, storage or disposal facility provided the wastes are treated on-site within 90 days of generation. This provision appears to exempt not only the accumulation of wastes during the 90 day period, but the subsequent treatment as well. No such exemption for the treatment of hazardous wastes exists under RCRA.

The DEC regulation has been interpreted and administered in a manner substantially equivalent to the Federal program. The Commissioner's response to EPA's comment explains that no such exemption was ever intended, and no one has ever claimed or been allowed such an exemption



under the version of the accumulator regulation to which EPA objected. On October 21, 1983 the State filed a proposed amended regulation with the Secretary of State which will clarify the regulation, leaving no doubt as to its applicability.

The DEC submissions and EPA's comments are available at EPA's Region II office in New York City and DEC's central office, in Albany.

## II. Response To Public Comments

Seven commenters (including one Statewide public interest group, one practicing attorney and five representatives of private industry) presented oral and/or written testimony on the New York IA application. Two commenters supported EPA granting interim authorization to New York and three commenters requested EPA to withhold its decision until certain deficiencies were corrected. Two commenters opposed authorization of New York's hazardous waste program. The significant issues raised by these commenters and EPA's responses are summarized below.

*Issue*—The State does not have adequate resources, financial or staff, to manage effectively the hazardous waste program. EPA should deny Phase I interim authorization since the level of State resources available to the program is insufficient.

*Response*—EPA has reviewed the New York IA application and has concluded that the State presently has sufficient authority and resources to implement its Phase I hazardous waste regulations. Since this comment was submitted, Governor Cuomo signed the Environmental Regulatory Fund fee bill legislation in April 1983. This fee system should raise several million dollars annually and these revenues will be used to support State environmental regulatory programs. This additional revenue will further enhance DEC's ability to manage all hazardous waste program responsibilities that it will assume under Phase I interim authorization. EPA will, on a regular basis, evaluate DEC's administration and enforcement of its hazardous waste program to ensure that the authorized program is being implemented consistent with RCRA, the State's regulations and the Memorandum of Agreement.

*Issue*—The State of New York should be required to adopt Federal hazardous waste management regulations by reference in order to obtain Phase I interim authorization. This would eliminate the necessity for the State to go through additional rulemaking every time EPA amends the regulations.

*Response*—In its comments to the State on the IA application, EPA questioned the State's legal authority to incorporate Federal hazardous waste management regulations by reference in light of the existence of a State Constitutional provision which appears to bar such rulemaking procedures. Article IV Section 8 of the New York State Constitution has been construed by some New York State courts to invalidate the incorporation by reference of certain Federal OSHA regulations because the New York State Constitution requires that all State regulations be set forth fully in the official compilation of regulations and filed with the Secretary of State in their entirety. DEC has recently established a policy whereby future changes in the State hazardous waste regulations which are proposed due to a change in the corresponding Federal hazardous waste regulation will be performed via the method of filing the proposed regulation with the Secretary of State, and not by means of adopting the Federal hazardous waste management regulations by reference. Consequently, the above suggestion will not be accepted since EPA has no authority to require the incorporation by reference of Federal regulations into State regulations.

*Issue*—The State regulates a broader universe of waste and hazardous waste handlers than would otherwise be regulated under RCRA. EPA should deny Phase I interim authorization to New York since the State regulations are inconsistent with and more stringent than the Federal regulations.

*Response*—EPA is required to grant Phase I interim authorization to any State hazardous waste management program which meets the minimum requirements of EPA regulations. Regulations specifically outlining requirements for Phase I interim authorization are contained in 40 CFR Part 271, Subpart B. Subpart B does not preclude a State from adopting or enforcing requirements which are more stringent or extensive than those required under Subpart B (see 40 CFR 271.121). Section 3009 of RCRA specifically provides for more stringent State regulation of hazardous waste.

*Issue*—State hazardous waste regulations concerning exemptions for small quantity generators of certain types of waste materials do not specifically address off-specification materials. Therefore, the State regulations are less restrictive than the Federal regulations.

*Response*—State hazardous waste regulations concerning exemptions for small quantity generators of certain

types of waste need not specifically address off-specification materials. Although, on May 20, 1981 EPA amended its regulations to specifically refer to these materials, the amendment was simply a clarification that the May 19, 1980 regulations do indeed cover this area. Since the State regulations are substantially equivalent to EPA's May 19, 1980 regulations in this regard, no explicit State amendment is necessary.

*Issue*—The State regulations concerning short-term hazardous waste accumulation contain no provision requiring a generator of wastes, who under State law may accumulate up to nearly 30,000 gallons of waste on-site, to institute a program of Preparedness and Prevention, Contingency Planning and Emergency Procedures, or Personnel Training, as mandated under RCRA (at 40 CFR 262.34(a)(4)).

*Response*—At the time that New York's IA application was submitted, DEC's short term accumulation standards (at 6 NYCRR 365.2(a)(7)(ii)) did not require accumulators to institute the 40 CFR Part 265 Subparts C and D, and 265.16 programs. However, effective March 16, 1983, revised State regulations (6 NYCRR 365.2(a)(7)(ii)(e)) specifically require short-term accumulators to institute programs for Preparedness and Prevention, contingency Planning and Emergency Procedures and Personnel Training.

## III. Decision

EPA has reviewed the complete application for Phase I Interim Authorization from the State of New York and has determined that the State program is "substantially" equivalent as defined in 40 CFR Part 271, Subpart B, to the Phase I Federal program. In accordance with Section 3006(c) of RCRA, the State of New York is hereby granted Interim Authorization to operate its hazardous waste program in lieu of Phase I of the Federal hazardous waste program. The practical effect of this decision is that generators, transporters and owners and operators of hazardous waste management facilities in New York will be subject to the State of New York hazardous waste program in lieu of the Federal hazardous waste interim status regulations program (40 CFR Parts 260-263 and 265), and will not again be subject to Phase I of the Federal program unless (1) the State fails to obtain final authorization by the deadline specified in Section 3006(c) of RCRA and implementing regulations, or (2) authorization is withdrawn for good cause by EPA pursuant to Section 3006(e) of RCRA.

**IV. Authority**

This notice is issued under the authority of Section 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6912(a), 6926 and 6974(b).

**V. Compliance With Executive Order 12291**

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

**VI. Certification Under the Regulatory Flexibility Act**

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. The authorization suspends the applicability of certain Federal regulations in favor of the State program, thereby eliminating duplicative requirements for handlers of hazardous wastes in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

**List of Subjects In 40 CFR Part 271**

Hazardous materials, Indian lands, Reporting and recordkeeping, Waste treatment and disposal, Intergovernmental relations, Penalties, Confidential business information.

Dated: December 2, 1983.

Jacqueline E. Schafer,  
Regional Administrator, Region II.

[FR Doc. 83-34224 Filed 12-23-83; 8:45 am]

BILLING CODE 6560-50-M

**VETERANS ADMINISTRATION****41 CFR Part 8-1****Debarred, Suspended, and Ineligible Bidders**

**AGENCY:** Veterans Administration.

**ACTION:** Final rule.

**SUMMARY:** This revision amends the Veterans Administration Procurement Regulations by setting forth the policies and procedures to govern the debarment and suspension of contractors. OMB Issued Policy Letter 82-1 which set forth the policies and procedures that govern the debarment and suspension of contractors through the executive branch and provides for a consolidated list of debarred, suspended and ineligible contractors. The VA is required to set procurement policy that

would be uniform and consistent with OMB's policy letter.

**EFFECTIVE DATE:** This rule is effective December 28, 1983.

**FOR FURTHER INFORMATION CONTACT:** Thomas A. Hamilton, Policy and Interagency Service, Office of Procurement and Supply, 810 Vermont Avenue, NW., Washington, DC 20420, Telephone (202) 389-2334.

**SUPPLEMENTARY INFORMATION:** The Administrator hereby certifies that this final rule, if promulgated, will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601-612. Pursuant to 5 U.S.C. 605(b), this final rule is therefore exempt from the initial and final regulatory flexibility analysis requirements of Section 603 and Section 604. The reason for this certification is because this rule is not likely to result in a major increase in costs to consumers or others, or to have other significant adverse effects.

It is the general policy of the VA to allow time for interested persons to participate in the rulemaking process (38 CFR 1.12). Since this amendment only affects internal procedures, the rulemaking process is considered unnecessary in this instance.

**List of Subjects in 41 CFR Part 8-1**

Government procurement, Small businesses.

Approved: December 20, 1983.

By direction of the Administrator.

Everett Alvarez, Jr.,  
Deputy Administrator.

Subpart 8-1.6 of 41 CFR is revised to read as follows:

**PART 8-1—GENERAL**

\* \* \* \* \*

**Subpart 8-1.6—Debarred, Suspended, and Ineligible Bidders**

Sec.

8-1.600 Scope of subpart.

8-1.603 Establishment and maintenance of a list of debarred, suspended, and ineligible contractors.

8-1.603-2 Agency records.

8-1.604 Treatment to be accorded listed contractors.

8-1.604-1 General.

8-1.604-2 Review procedures.

8-1.605 Debarment.

8-1.605-3 Procedures.

8-1.606 Suspension.

8-1.606-3 Procedures.

**Subpart 8-1.6—Debarred, Suspended, and Ineligible Bidders****§ 8-1.600 Scope of subpart.**

This subpart prescribes procedures for debarring or suspending bidders and the establishment, use and maintenance of a consolidated list of debarred, suspended, or ineligible bidders.

**§ 8-1.603 Establishment and maintenance of a list of debarred, suspended, and ineligible contractors.**

The Office of Procurement and Supply shall be responsible for the actions described in FPR § 1-1.603-1(b), except that the heads of procurement activities are responsible for the internal distribution of the consolidated list to the appropriate procurement operation offices under their jurisdiction.

**§ 8-1.603-2 Agency records.**

The Office of Procurement and Supply shall maintain the records required by FPR § 1-1.603-2.

**§ 8-1.604 Treatment to be accorded listed contractors.****§ 8-1.604-1 General.**

The Office of Procurement and Supply shall make the determinations required by FPR §§ 1-1.604-1, 1-1.604-3 and 1-1.604-4. Requests for such determinations shall be forwarded to the Director, Office of Procurement and Supply.

**§ 8-1.604-2 Review procedures.**

Contracting officers shall review the consolidated list of debarred, suspended, and ineligible contractors prior to issuing any solicitation, awarding any contract or contract modification, approving any subcontractor or initiating any pre-award survey. If the bidder, offeror, or proposed subcontractor is listed, they shall receive such treatment as appropriate according to the basis for their listing.

**§ 8-1.605 Debarment.****§ 8-1.605-3 Procedures.**

(a) *Debarring official.* The Director, Office of Procurement and Supply is the official authorized to debar a contractor for any of the causes set forth in FPR § 1-1.605-2. In addition, the Director, Office of Procurement and Supply is authorized to take all of the actions described in FPR § 1-1.605-1, including the determination that compelling reasons exist justifying continued business dealings between the Veterans Administration and a debarred contractor. None of these authorities may be redelegated.



(b) *Referral.* Whenever cause for debarment becomes known, the matter shall be referred to the Director, Office of Procurement and Supply, together with a recommended action.

(c) *Notice of proposed debarment.* The Director, Office of Procurement and Supply shall initiate a debarment action by provided the contractor and any specifically named affiliates with written notice of the proposed debarment. This notice shall, at a minimum, contain the information described in FPR § 1-1.605-3(c), and shall be sent by certified mail—return receipt requested.

(d) *Fact-finding.* In proposed debarment actions not based upon a conviction or judgment or debarment by another agency, if the contractor's submission raises a genuine dispute over material facts, the Director, Office of Procurement and Supply or his/her designee shall conduct fact-finding as described in FPR § 1-1.605-3(b)(2).

(e) *Decision and notice.* The Director, Office of Procurement and Supply shall make the decision regarding debarment in accordance with FPR § 1-1.605-3(d), and provide notice to the contractor in accordance with FPR § 1-1.605-3(e).

#### § 8-1.606 Suspension.

##### § 8-1.606-3 Procedures.

(a) *Suspending official.* The Director, Office of Procurement and Supply is the official authorized to suspend contractors for the causes set forth in FPR § 1-1.606-2. In addition, the Director, Office of Procurement and Supply is authorized to take the actions described in FPR § 1-1.606-1, including the determination that compelling reasons exist justifying continued business dealings between the Veterans Administration and a suspended contractor. None of these authorities may be redelegated.

(b) *Referral.* Whenever cause for suspension becomes known, the matter shall be referred to the Director, Office of Procurement and Supply together with a recommended action.

(c) *Notice of suspension.* The Director, Office of Procurement and Supply shall provide the affected contractor and any specifically named affiliates with a notice of suspension, in accordance with FPR § 1-1.606-3(c).

(d) *Fact-finding.* In cases involving a genuine dispute over material facts, the Director, Office of Procurement and Supply or his/her designee shall conduct fact-finding to the extent necessary to resolve the dispute; except that fact-finding shall not be conducted in the circumstances described in FPR § 1-1.606-3(c)(6).

(e) *Decision and notice.* The Director, Office of Procurement and Supply shall make the suspension decision and provide written notice thereof in accordance with FPR § 1-1.606-3(d).

(f) *Period of suspension.* The Director, Office of Procurement and Supply is authorized to take the actions described in FPR § 1-1.606-4 concerning the period of suspension. This authority is not redelegable.

(38 U.S.C. 210(c); 40 U.S.C. 488(c))

[FR Doc. 83-34255 Filed 12-23-83; 8:45 am]

BILLING CODE 8320-01-M

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### 49 CFR Part 223

[Docket No. RSGM-1, Notice No. 7]

#### Safety Glazing Standards— Locomotives, Passenger Cars and Cabooses

**AGENCY:** Federal Railroad Administration (FRA), Department of Transportation (DOT).

**ACTION:** Final rule; extension of compliance date.

**SUMMARY:** This document amends the final rule published on May 31, 1983 (48 FR 24082) which established a compliance date of December 31, 1983, for retrofitting existing locomotives, passenger cars and cabooses with improved safety glazing materials. It extends the compliance date six months until June 30, 1984. This action is being taken in response to a petition by the Association of American Railroads (AAR) and multiple individual requests from railroads for additional time to complete the retrofit program.

**EFFECTIVE DATE:** This final rule becomes effective on December 31, 1983.

#### FOR FURTHER INFORMATION CONTACT:

Principal Program Person: Philip Olekszyk; Office of Safety, Federal Railroad Administration, Washington, D.C. 20590, Telephone (202) 426-0897.  
Principal Attorney: Lawrence I. Wagner; Office of Chief Counsel, Federal Railroad Administration, Washington, D.C. 20590, Telephone (202) 426-8836.

**SUPPLEMENTARY INFORMATION:** In response to a joint petition from the AAR and the Railway Labor Executives Association (RLEA), the FRA adopted regulations in 1979 that require the installation of improved safety glazing materials for all new railroad locomotives, passenger cars and cabooses. That regulation also required the retrofitting of most existing

locomotives, passenger cars, and cabooses. The regulation required that the retrofit program be accomplished by June 30, 1983.

The AAR has petitioned the FRA to amend the regulation to provide at least a six-month extension of the compliance date. This extension request from the AAR was concurred in by the RLEA. In support of their request, the AAR points out that the start up of the retrofit program was severely hampered by the lack of sufficient materials and that the depressed economic conditions of recent years have further impeded the progress of the program. By AAR estimates, there are approximately 4,200 locomotives and approximately 5,000 cabooses that still require installation of improved glazing. In addition to the AAR request, FRA has received 20 individual requests from railroads or commuter agencies for extension of the compliance date. After considering the AAR petition for extension, the RLEA concurrence in that request, and the individual requests, FRA has decided to extend the current compliance date six months to June 30, 1984. This timeframe should provide a sufficient period for completion of most retrofit programs.

#### Notice and Public Procedure

Since this final rule merely extends for six months the compliance date for a regulation that is already in effect and imposes no additional burden on any person, notice and public procedure are not necessary and, because of the imminent December 31, 1983, compliance date, are also impractical. This final rule shall become effective in less than thirty days to avoid the disruption of rail service and public inconvenience that would result if all non-complying locomotives, passenger cars, and cabooses were removed from service on the current compliance date of December 31, 1983.

#### List of Subjects in 49 CFR Part 223

Railroad safety.

#### Regulatory Impact

This final rule has been evaluated in accordance with existing regulatory policies. It will not have an adverse or significant economic impact on any entity, including small entities, because it does not place any new requirements or burdens on the public. Accordingly, it is certified that the proposal will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (Pub. L. 95-354, 94 Stat. 1164, September 13, 1980). It does not constitute a major Federal action significantly affecting the

quality of the human environment and, therefore, an environmental impact statement is not required. The amendment does not constitute a major rule under the terms of Executive Order 12291 and does not constitute a significant rule under the Department of Transportation regulatory policies and procedures. Moreover, since there are no costs associated with this amendment, a further regulatory evaluation is not warranted.

#### PART 223—[AMENDED]

In consideration of the foregoing, Part 223 of Title 49, Code of Federal Regulations is amended effective June 30, 1983 as follows:

(1) Paragraph (c) of § 223.11 is revised to read as follows:

##### § 223.11 Requirements for existing locomotives.

\* \* \* \* \*

(c) Except for yard locomotives and locomotives equipped as described in paragraphs (a) and (b), of this section, locomotives built or rebuilt prior to July 1, 1980, shall be equipped with certified glazing in all locomotive cab windows after June 30, 1984.

\* \* \* \* \*

(2) Paragraph (c) of § 223.13 is revised to read as follows:

##### § 223.13 Requirements for existing cabooses.

\* \* \* \* \*

(c) Except for yard cabooses and cabooses equipped as described in paragraphs (a) and (b), cabooses built or rebuilt prior to July 1, 1980, shall be equipped with certified glazing in all windows after June 30, 1984.

\* \* \* \* \*

(3) Paragraph (c) of § 223.15 is revised to read as follows:

##### § 223.15 Requirements for existing passenger cars.

\* \* \* \* \*

(c) Except for passenger cars described in paragraphs (a) and (b), passenger cars built or rebuilt prior to July 1, 1980, shall be equipped with certified glazing in all windows and a minimum of four emergency windows after June 30, 1984.

\* \* \* \* \*

**Authority:** Section 209 of the Federal Railroad Safety Act of 1970 (94 Stat. 937, 45 U.S.C. 438); Section 1.49(m) of the Regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(m).

Issued in Washington, D.C. on December 20, 1983.

John H. Riley,  
Administrator.

[FR Doc. 83-34219 Filed 12-23-83; 8:45 am]

BILLING CODE 4910-06-M

#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

##### 50 CFR Part 260

[Docket No. 31214-233]

##### Inspection and Certification; Fees and Charges

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Rule-related notice; 1984 inspection fees.

**SUMMARY:** NOAA announces a change in the established rates for voluntary Department of Commerce fishery product grading and certification services consistent with its intent to provide inspection services at the lowest appropriate cost. The change results from reduced overhead costs. The change represents a reduction of 17-19 percent in the hourly rates.

**EFFECTIVE DATE:** January 1, 1984.

**FOR FURTHER INFORMATION CONTACT:** Richard V. Cano, Acting Program Manager, National Seafood Inspection Program, Office of Utilization Research, National Marine Fisheries Service, Washington, D.C. 20235, Phone: 202-634-7458.

**SUPPLEMENTARY INFORMATION:** The reduction in hourly rates was made possible by (1) a Congressional appropriation to cover certain overhead costs and (2) a waiver of certain NOAA overhead costs to the fishery products inspection program. The Type I—Contract inspection rate is being reduced by \$4.00 per hour, at 17 percent decrease; the Type II—Lot inspection rate is being reduced by \$6.55 per hour, a 19 percent reduction; and the Type III—Miscellaneous inspection rate is being reduced by \$5.05 per hour, a 17 percent decrease. The Type II—Lot Inspection hourly rate was further reduced based on an analysis of the "down-time" associated with this type of inspection service. Also included in the revised hourly rates is an increase to cover the Federal pay raise at 3.5 percent authorized by Presidential Executive Order to be effective January 1, 1984. Regulations at 50 CFR 260.70 authorize the Secretary of Commerce to

revise the fees by publishing a notice of fee schedule changes in the Federal Register.

##### Schedule of Fees Effective January 1, 1984

(a) Type I—Official establishment and product inspection-contract basis:

|   | Per hour |
|---|----------|
| Regular .....                                   | \$19.95  |
| Overtime .....                                  | 29.95    |
| Sunday and legal holidays (2 hr. minimum) ..... | 39.90    |

(1) The contracting party will be charged at an hourly rate of \$19.95 per hour for regular time; (2) \$29.95 per hour for overtime in excess of eight hours per shift per day; and (3) \$39.90 per hour for Sunday and national legal holidays for service performed by inspectors at official establishment(s) operating under Federal inspection. The contracting party will be billed monthly for services rendered in accordance with contractual provisions at the rates prescribed in this section. Products designated in a contract will be inspected during processing at the hourly rate for regular time, plus overtime, when appropriate. Products not designated in the contract will be inspected upon request on a lot inspection basis at lot inspection rates as prescribed in this section.

(b) Type II—Lot inspection—Official and unofficially drawn samples:

|   | Per hour |
|---|----------|
| Regular time .....                              | \$27.95  |
| Overtime .....                                  | 41.95    |
| Sunday and legal holidays (2 hr. minimum) ..... | 55.90    |
| Minimum fee .....                               | 21.00    |

(1) For lot inspection services performed between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday—\$27.95 per hour. (2) For lot inspection services performed at times Monday through Friday other than 7:00 a.m. to 5:00 p.m. and on Saturdays (2 hr. minimum)—\$41.95 per hour. (3) Sunday and national legal holidays (2 hr. minimum)—\$55.90 per hour. (4) The minimum service fee to be charged and collected for inspection of any lot or lots of products requiring less than 1 hour will be \$21.00.

(c) Type III—Miscellaneous inspection and consultative services. (1) When any inspection or related services such as but not limited to initial and final establishment surveys, appeal inspections, sanitation evaluation, Sanitary Inspection Fish Establishment (SIFE) inspections, sampling product evaluation, and label and product specification review, requires charges to which the foregoing sections are clearly

inapplicable, charges will be based on the rates set forth below:

|  | Per hour |
|--|----------|
| Regular time.....                              | \$24.95  |
| Overtime.....                                  | 37.45    |
| Sunday and legal holidays (2 hr. minimum)..... | 49.90    |
| Minimum fee .....                              | 18.75    |

(2) For miscellaneous inspection and consultative services performed between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday—\$24.95 per hour; for miscellaneous inspection and consultative services performed Monday through Friday other than 7:00 a.m. to 5:00 p.m. and on Saturdays (2 hr. minimum)—\$37.45 per hour.

(3) For miscellaneous inspection and consultative services performed on Sunday and national legal holiday (2 hr. minimum)—\$49.90 per hour.

(4) The minimum service fee to be charged and collected for miscellaneous

inspection and consultative services requiring less than 1 hour will be \$18.75.

(d) The hourly rates for the State of Alaska, as published July 18, 1983, in the **Federal Register**, (48 FR 32594) remain unchanged for services provided by cross-licensed State of Alaska inspectors. Charges for services provided in Alaska by NMFS inspectors will be at the reduced rates, plus cost of living allowances.

(e) Analytical services: The fees for various laboratory analyses, published July 18, 1983, in the **Federal Register** (48 FR 32594) remain unchanged.

Applicants requesting specific analyses to be performed in a National Marine Fisheries Service laboratory will be charged on the basis of these fees. Analyses performed in a private laboratory will be charged at the prevailing rate of the private laboratory. Charges based on these fees will be in addition to any hourly rates charged for

lot, miscellaneous, and consultative inspection service as well as to any hourly rates charged for inspection services provided under a contract at official establishments. A surcharge of 20 percent of the total charges for analytical services will be charged for administrative purposes.

#### Classification

This action is taken under the authority vested in the Secretary of Commerce by Reorganization Plan No. 4 of 1970 (84 Stat. 2090) and 50 CFR 260.70, Inspection and Certification.

(Sec. 6, 70 Stat. 1122, 16, U.S.C. 742e; secs. 203, 205, 60 Stat. 1087, 1090 as amended; 7 U.S.C. 1622, 1624, Reorganization Plan No. 4 of 1970 (84 Stat. 2090))

Dated: December 20, 1983.

**William G. Gordon,**

*Assistant Administrator for Fisheries.*

[FR Doc. 83-34177 Filed 12-23-83; 8:45 am]

**BILLING CODE 3510-22-M**

# Proposed Rules

Federal Register

Vol. 48, No. 249

Tuesday, December 27, 1983

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 83-NM-92-AD]

#### Airworthiness Directives; Boeing Model 737 Series Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This notice proposes a new airworthiness directive (AD) which would require inspections and repair, as necessary, of the B.S. 1016 aft pressure bulkhead, on certain Boeing Model 737 series airplanes. The proposed AD is prompted by numerous reports of corrosion and cracking, several of which have resulted in the loss of cabin pressure. Severe corrosion and cracking could result in rapid decompression.

**DATES:** Comments must be received on or before February 13, 1984.

**ADDRESSES:** The service documents may be obtained upon request from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. This information also may be examined at the address below.

**FOR FURTHER INFORMATION CONTACT:** Mr. Carlton A. Holmes, Airframe Branch, ANM-120S, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington, telephone (206) 431-2926. Mailing address: Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications

should identify the regulatory docket number and be submitted in duplicate to the address specified below. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of the proposed AD, will be filed in the Rules Docket.

#### Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 83-NW-92-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

#### Discussion

Since 1978 there have been 14 reports of corrosion of the B.S. 1016 pressure bulkhead by five operators, two of which have resulted in loss of cabin pressure. In addition, there has been one report of a 41-inch long crack attributed to fatigue. Corrosion typically occurs on the pressurized interior surface near the drain hole at the lower center stiffener, and is attributed to deterioration of the leveling compound and the accumulation of moisture and corrosive fluids from the lavatory above this area.

Thus far, all reported failures have been in the B.S. 1016 pressure bulkhead web; however, a recent failure revealed substantial corrosion on the radial stiffeners. Loss of both the web and stiffeners could result in a rapid decompression, which would be hazardous to continued safe flight.

The FAA issued Airworthiness Directive AD 82-01-09 on December 29, 1981 (47 FR 1111), requiring inspection and repair, as necessary, of lower fuselage skin panels as far aft as B.S. 1016, but it does not specifically address the B.S. 1016 pressure dome aft of B.S. 1016.

On July 1, 1978, the manufacturer issued Service Bulletin 737-53A1075 requiring inspection and repair, if necessary, of the lower lobe of the B.S.

1016 pressure bulkhead. Following a recent reported failure, this service bulletin was revised and escalated to an alert status. Since the pressure bulkhead has been recognized as a potentially high corrosion area, and since this condition is likely to exist on numerous B-737 model aircraft, the following AD is proposed.

It is estimated that 180 airplanes of U.S. registry would be initially affected by the proposed AD, and that approximately 8 manhours are required to perform the necessary inspections. Based on an average labor cost of \$35 per manhour, the total cost to the U.S. fleet for accomplishment of the proposed inspections is \$72,800. Therefore, the proposed rule is not considered a major rule under the criteria of Executive Order 12291. Few, if any, small entities within the meaning of the Regulatory Flexibility Act operate this type aircraft.

#### List of Subjects in 14 CFR Part 39

Aviation safety. Aircraft.

#### The Proposed Rule

#### PART 39—[AMENDED]

Accordingly, the Federal Aviation Administration (FAA) proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new airworthiness directive:

**Boeing:** Applies to Model 737 series airplanes, certificated in all categories with more than 20,000 flight hours or 7 years time in service, whichever occurs first. Compliance is required as indicated. To ensure the continuing structural integrity of the aft pressure bulkhead, accomplish the following:

A. Within 90 days after the effective date of this AD, unless already accomplished within the last 21 months, visually inspect the B.S. 1016 pressure bulkhead for cracks and corrosion in accordance with Boeing Service Bulletin 737-53-1075 dated July 1, 1983, or later FAA approved revisions, and enlarge the drain hole in the frame chord as noted in the service bulletin. Treat the area of inspection with corrosion inhibitor, BMS-3-23, or equivalent.

B. If cracking or corrosion is found, prior to further flight, repair in accordance with (1) Boeing Service Bulletin 737-53-1075, dated July 1, 1983, or (2) a method approved by the Manager, Seattle Aircraft Certification Office, Northwest Mountain Region, Seattle, Washington.

C. The visual inspections and corrosion inhibitor treatment are to be repeated at intervals not to exceed 2 years time in service.

D. Aircraft may be ferried to a maintenance base for repair in accordance with FAR 21.197 and 21.199.

E. Alternate means of compliance which provide an equivalent level of safety may be used when approved by the Manager, Seattle Aircraft Certification Office, Northwest Mountain Region, Seattle Washington.

F. Upon request of the operator, an FAA Maintenance Inspector, subject to prior approval of the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of an operator, if the request contains substantiating data to justify the adjustment period.

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may also be examined at the FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

(Secs. 313(a), 314(a), 601 through 610, and 1102 of the Federal Aviation act of 1958 (49 U.S.C. 1354(a), 1421 through 1430 and 1502); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.85)

**Note.**—For the reasons discussed earlier in the preamble, the FAA has determined that this document (1) involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. A regulatory evaluation has been prepared and has been placed in the public docket.

Issued in Seattle, Washington on December 13, 1983.

Wayne J. Barlow,  
Acting Director, Northwest Mountain Region.

[FR Doc. 83-34188 Filed 12-22-83; 8:45 am]

BILLING CODE 4910-13-M

## 14 CFR Part 39

[Docket No. 83-NM-88-AD]

### Airworthiness Directives; British Aerospace Viscount Models 700 and 800 Series Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This notice proposes an airworthiness directive (AD) that would

increase the scope of the required inspection of the nosewheel assembly on British Aerospace, Aircraft Group, Viscount Models 700 and 800 series airplanes. In addition, a modification on the nosewheel steering lock detent cable assemblies would be required for all 700 series airplanes. The inspections and modifications are necessary to prevent possible collapse of the nose landing gear. This action would supersede an existing AD applicable to the same components.

**DATE:** Comments must be received no later than February 13, 1984.

**ADDRESSES:** The applicable service information may be obtained from British Aerospace, Inc., Box 17414, Dulles International Airport, Washington, D.C. 20041, or may also be examined at the address shown below.

**FOR FURTHER INFORMATION CONTACT:** Mr. James Leeder, Foreign Aircraft Certification Branch, ANM-150S, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington, telephone (206) 431-2826. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified below. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

##### Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 83-NM-88-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

#### Discussion

The United Kingdom Civil Aviation Authority (CAA) has, in accordance with existing provisions of a bilateral agreement, notified the FAA of revisions to British Aerospace Corporation Preliminary Technical Leaflets (PTL), No. 262, Issue 4, for all 700 series airplanes and No. 125, Issue 4, for all 800 series airplanes, which the CAA has designated as mandatory. Compliance with Issue 3 of these PTLs is required by AD 70-16-06.

Previous issues of these PTLs prescribed repairs to correct the following unsafe conditions:

1. Maladjustment of downlock micro-switch (pre-Modification D3178 Part C) providing a green light, safe locked down indication, in the cockpit with unsafe plunger engagement.

2. Unacceptable wear of the downlock socket fitting.

3. Corrosion and/or deformation of the locking arm bore restricting plunger movement.

4. Foreign matter contamination of the locking plunger and downlock fitting socket and horseshoe recess, preventing correct plunger engagement in the downlock fitting.

5. Malalignment of the locking plunger with the socket fitting as a result of incorrect assembly or distortion of the structure.

Issue 4 of these PTLs was written to notify operators of certain conditions found and additional actions required to help prevent further incidents. A new AD is being proposed to supersede AD 70-16-06 which incorporates Issue 4 of the PTLs to correct the following additional unsafe conditions:

1. Restricted operation of the downlock switch operating mechanism pre-Modification D3178 Part C, associated with paragraph 2 below.

2. A suspected hang-up of the steering lock detent cable assembly which, when fitted, assists the operation of the downlock switch operating mechanism.

3. Displacement of the downlock beam by the lock arm due to excessive shimming of the downlock fitting, resulting in marginal engagement of the locking plunger in the fitting.

It is estimated that 34 airplanes would be affected by this AD, that is would take approximately 3 manhours per airplane to accomplish the required actions, and that the average labor cost would be \$40 per manhour. Repair parts are estimated at \$625 per airplane. Based on these figures, the total cost impact of this AD is estimated to be \$25,330. For these reasons, the proposed rule is not considered to be a major rule

under the criteria of Executive Order 12291. Few small entities within the meaning of the Regulatory Flexibility Act operate this type aircraft.

#### List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

#### PART 39—[AMENDED]

##### The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new airworthiness directive:

##### British Aerospace, Aircraft Group:

Applies to all Viscount Model 700 series and 800 series airplanes certificated in all categories. Compliance required as indicated. To prevent collapse of the nose landing gear, accomplish the following:

1. Within the next six months time in service after the effective date of this AD, unless previously accomplished within the last six months, and thereafter at intervals not to exceed six months, inspect and repair, as necessary, the nose landing gear in accordance with the accomplishment instructions of paragraph 2.0 of British Aerospace Preliminary Technical Leaflet No. 125, Issue 4, for all 800 series airplanes. Paragraphs 2.5 and 2.5.1 should be accomplished at the first inspection and thereafter intervals not to exceed one year.

2. Within the next six months time in service after the effective date of this AD, unless previously accomplished within the last six months, and thereafter at intervals not to exceed six months, inspect and repair, as necessary, the nose landing gear in accordance with the accomplishment instructions of paragraphs 2.1 thru 2.4, and 2.7 of the British Aerospace Preliminary Technical Leaflet No. 262, Issue 4, for all 700 series airplanes; and during the first inspection only accomplish paragraph 2.6 and BA Modification D.3284, if applicable. Paragraph 2.5 should be accomplished at the first inspection and thereafter at intervals not to exceed one year.

3. Alternate means of compliance which provide an equivalent level of safety may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

4. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

This supersedes Amendment 39-1058 (35 FR 12326), AD 70-18-06.

(Sec. 313(a), 314(a), 601 through 610, and 1102, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 through 1430, and 1502); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.85)

**Note.**—For the reasons discussed earlier in the preamble, the FAA has determined that this document (10 involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a

significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. A regulatory evaluation has been prepared and has been placed in the public docket.

Issued in Seattle, Washington on December 13, 1983.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 83-34189 Filed 12-23-83; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 39

##### [Docket No. 83-CE-78-AD]

##### Airworthiness Directives; Gulfstream Aerospace (Aero Commander) Models 680T, 680V, 680W and 681 Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This notice proposes to adopt a new Airworthiness Directive (AD) applicable to Gulfstream Aerospace (Aero Commander) Models 680T, 680V, 680W and 681 airplanes. This AD would require modification of the landing gear emergency extension system by installing a larger blowdown bottle, installation of a stronger nose gear bungee spring and changing the nose gear restrictor orifice. A gear-up landing occurred because the emergency system was incapable of lowering the landing gear after the hydraulic system failed. This action will assure proper operation of the emergency gear extension system.

**DATES:** Comments must be received on or before February 13, 1984. Compliance: Compliance required within the next 100 hours time-in-service of the effective date of a final rule published in the Federal Register.

**ADDRESSES:** Gulfstream Aerospace Service Bulletin 102A, dated September 1, 1983, applicable to this AD may be obtained from Gulfstream Aerospace Corporation, Wiley Post Airport, P.O. Box 22590, Oklahoma City, Oklahoma 73123, or the Rules Docket at the address below.

Send comments on the proposal in duplicate to Federal Aviation Administration, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 83-CE-78-AD, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

**FOR FURTHER INFORMATION CONTACT:** Garry Sills, Airplane Certification Branch, ASW-150, FAA, Southwest

Regional Office, P.O. Box 1689, Fort Worth, Texas 76101, Telephone 817-877-2073 (FTS 734-2073).

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

##### Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Central Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 83-CE-78-AD, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

##### Discussion

The manufacturer's investigations following an incident of a failure of the emergency system to extend the gear indicated that the system should be modified by incorporation of a larger blowdown bottle, installation of a stronger nose gear bungee spring and changing the nose gear restrictor orifice. It issued Service Bulletin No. 102, dated March 1, 1971, containing instructions and recommendations that these modifications be incorporated on all in service airplanes. Recently, a gear-up landing resulted when the hydraulic system failed and the pilot was unable to extend the landing gear using the emergency extension system. The investigations disclosed that the modification in Service Bulletin No. 102 had not been incorporated in the airplane involved. The manufacturer has also revised Service Bulletin 102, dated March 1, 1971, by issuing Service Bulletin 102A, dated September 1, 1983, which updates instructions to reflect the current part numbers and kit configuration required for the

modification. The FAA believes that Service Bulletin 102A should be mandatory on those airplanes not having complied with Service Bulletin 102.

Since the condition described is likely to exist or develop in other Gulfstream Aerospace (Aero Commander) Models 680T, 680V, 680W and 681 airplanes of the same design, the AD would require compliance with Service Bulletin 102A on those airplanes that have not been modified in accordance with Service Bulletin 102.

There are approximately 181 airplanes affected by the proposed AD. The cost of modifying the emergency landing gear extension system as required by the proposed AD is estimated to be \$121,813 to the private sector. Few, if any, small entities under the definition of the Regulatory Flexibility Act, will operate more than one of the affected airplanes and the cost thereof to anyone will not be a significant amount.

#### List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

#### The Proposed Amendment

Accordingly, the FAA proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new AD:

#### Gulfstream Aerospace (Aero Commander):

Applies to Models 680T, 680V, 680W (S/Ns 1473 through 1850) and Model 681 (S/Ns 6001 through 6017, 6020 through 6038, 6040 through 6042, and 6048) airplanes certificated in any category, unless Service Bulletin 102, dated September 1, 1971, has previously been accomplished.

Compliance: Required within the next 100 hours time-in-service after the effective date of this AD unless already accomplished. To assure proper operation of the emergency landing gear extension system, accomplish the following:

(a) Modify the emergency landing gear extension system in accordance with Gulfstream Aerospace Corporation, Commander Division, Service Bulletin 102A, dated September 1, 1983.

(b) Airplanes may be flown in accordance with FAR 21.197 to a location where this AD may be accomplished.

(c) An equivalent method of compliance with this AD may be used if approved by the Manager, Airplane Certification Branch, ASW-150, FAA Southwest Regional Office, P.O. Box 1689, Fort Worth, Texas 76101.

(Secs. 313(a), 601 and 603 Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a) 1421 and 1423); 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and Section 11.85 of the Federal Aviation Regulations (14 CFR 11.85))

**Note.**—For reasons discussed earlier in the preamble: the FAA has determined that this document: (1) Involves a proposed regulation that is not major under the provisions of

Executive Order 12291, (2) is not significant under DOT Regulatory Policies and procedures (44 FR 11034; February 26, 1979) and (3) in addition, I certify that under the criteria of the Regulatory Flexibility Act this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. A draft regulatory evaluation has been prepared and has been placed in the public docket.

Issued in Kansas City, Missouri, on December 13, 1983.

John E. Shaw,

Acting Director Central Region.

[FR Doc. 83-34037 Filed 12-23-83; 8:45 am]

BILLING CODE 4910-13-M

## CONSUMER PRODUCT SAFETY COMMISSION

### 16 CFR Part 1145

#### Proposed Rule to Regulate Under the Consumer Product Safety Act Risks of Injury That May Be Associated With Baby Cribs Having Certain Hardware Failures or Omissions

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission is investigating the possibility that various items of hardware on baby cribs may break, become loose, detach, or otherwise fail to perform their intended function, or may have been omitted, so that risks of asphyxiation, concussion, laceration or other injury are created for children occupying such cribs.

Should regulatory action become necessary to address any risk of death or injury which may be associated with baby cribs having any type of hardware failure or omission (other than a risk of injury associated with an item of crib hardware now subject to regulations issued under the Federal Hazardous Substances Act), the Commission proposes to use the provisions of the Consumer Product Safety Act rather than those of the Federal Hazardous Substances Act.<sup>1</sup> The Commission

preliminarily determines that this transfer is in the public interest because, in the event the Commission finds that a risk of death or injury is associated with cribs having items of hardware which break, become loose, detach or otherwise fail to perform their intended function, or are not provided with the crib, public notification and remedial action can be accomplished more expeditiously under the CPSA than under the FHSA.

The risks of injury which the Commission proposes to transfer do not include any risks of injury associated with any item of crib hardware which is already addressed by regulations issued under the FHSA.

**DATE:** Comments concerning this proposal must be received in the Office of the Secretary by January 26, 1984.

**ADDRESS:** Comments should be sent to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 492-6800.

**FOR FURTHER INFORMATION CONTACT:** Lynn Lichtenstein, Trial Attorney, Division of Administrative Litigation, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 492-6626.

**SUPPLEMENTARY INFORMATION:** By this notice, the Commission proposes to regulate under the Consumer Product Safety Act (CPSA, 15 U.S.C. 2051 *et seq.*) rather than under the Federal Hazardous Substances Act (FHSA, 15 U.S.C. 1261 *et seq.*) possible risks of death and injury such as asphyxia, concussion, and laceration, which may be associated with baby cribs having certain types of hardware failures or omissions, examples of which are given below.

The risks of injury which the Commission proposes to transfer to the CPSA do not include any of the following risks of injury which may be associated with crib hardware:

1. Any risk of injury associated with release of locking or latching devices to secure dropside rails from a single action at a force of less than 4.5 kilograms (10 pounds);

2. Any risk of injury associated with any horizontal bar, ledge, projection from, or other surface attached to or forming a part of any end panel or side of a crib which is accessible to a child inside the crib and is capable of being used as a toehold, and which is located less than 51 centimeters (20 inches) above the mattress support in its lowest position when the side rail is in its highest position on a "full-size crib" (as that term is defined at 16 CFR 1508.1(a)),

<sup>1</sup> Commissioner Terrence M. Scanlon voted against the proposal which is the subject of this notice, and filed a separate statement concerning this matter. Commissioner Scanlon's separate statement is available in the Commission's public reading room, 8th floor, 1111 18th Street, NW., Washington, D.C., or by calling the Office of the Secretary, (301) 492-6800. Commissioner Sandra Brown Armstrong was not present at the meeting at which this matter was decided and did not participate in the decision to propose this rule.



or less than 40.6 centimeters (16 inches) above the mattress support in its lowest adjustable position when the crib side is in its highest adjustable position on a "non-full-size crib" (as that term is defined in 16 CFR 1509.2); or

3. Any other risk of injury addressed by regulations applicable to cribs issued under the FHSA and published at 16 CFR 1500.18(a) (13) and (14), Part 1508, and Part 1509.

Section 30(d) of the CPSA (15 U.S.C. 2079(d)) governs this proposed rule. That section provides that a risk of injury which is associated with a consumer product and which could be eliminated or reduced to a sufficient extent by action under the Federal Hazardous Substances Act may be regulated under the CPSA only if the Commission by rule finds that it is in the public interest to regulate such risk of injury under the CPSA.

The Commission has examined the applicable statutes and has considered the facts regarding possible risks of death or injury which may be associated with baby cribs having certain types of hardware failures or omissions. These risks include those which are associated with the malfunction and inadequacy of hardware on the crib, as well as with the failure to include one or more items of hardware with the crib. The Commission has preliminarily

determined that it is in the public interest to regulate under the CPSA rather than the FHSA the possible risks of death or injury which may be associated with baby cribs having various kinds of hardware failures and omissions, some of which are described in this notice.

#### A. Background

The Commission is aware of several kinds of crib hardware failures or omissions which create risks of asphyxiation, concussion, laceration, or other injuries.

Hangers which attach the mattress support to the hooks (see Figures 1 and 2) can detach or break. Recently the Commission learned of the death of a five-month-old boy in a crib which resulted after a mattress support hanger became detached from the hook on the crib corner post.

The crib involved in this accident was approximately five years old and had been used by two other families before the fatal accident. The current owner had used the crib for five months with no indication of any safety-related problem.

On the day of the accident, the father had moved the crib to install bumper pads to protect the child from hitting against the slats. A hanger at one of the corners next to the wall became

detached. The detached hanger went unnoticed.

The child was put to bed at 10:00 p.m. At 7:30 the next morning, the child was found dead. The body was positioned with the head downward, the chin almost touching the floor. The legs were caught between the mattress and the siderail of the crib next to the wall.

The medical examiner determined that the cause of death was positional asphyxia, or asphyxia caused by the position in which the body had become entrapped. If a child remains upside down for a sufficient period of time, the child will be unable to breathe.

In this case, the child apparently had moved or rolled to the corner of the crib where the hanger was detached. The mattress and mattress support at that corner then tilted downward, and the child's head and upper body slipped through the gap between the frame of the crib and the mattress. The child was caught when the mattress and mattress support returned to a horizontal position after most of the child's weight had fallen through the gap.

The staff is also aware of a recent death which occurred when a bracket for the guide rod of the dropside (see Figure 3) became loose. The child became entrapped against the frame of the crib and died.

BILLING CODE 6355-01-M



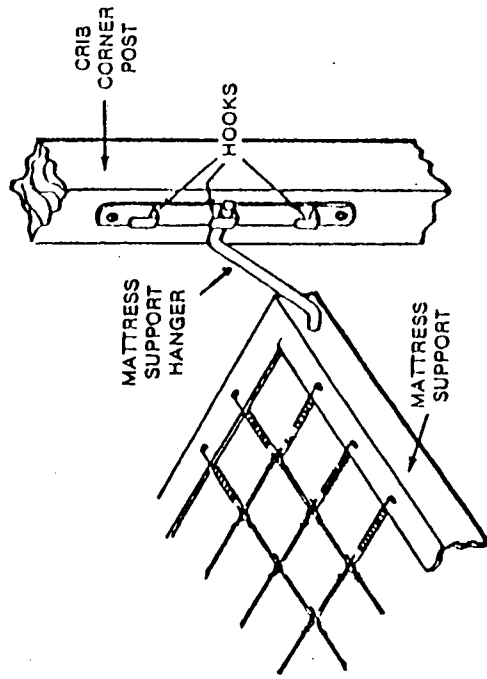


FIG. 2

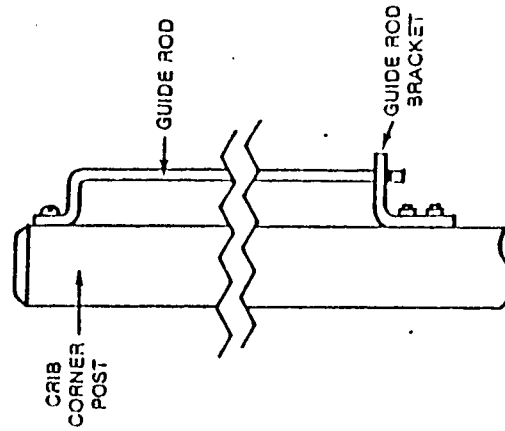


FIG. 3

--4b--

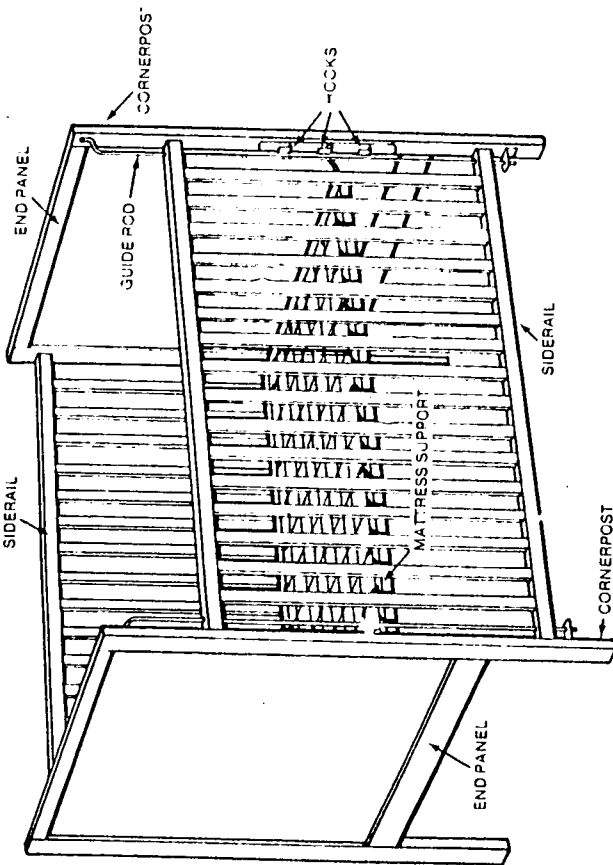


FIG. 1

--4a--

Other hardware failures involve machine screws or bolts which can pull out or loosen. In one incident, a 13-month-old girl was in a crib with one fixed siderail and one dropside. The bolt holding the top rail of the fixed siderail to an end panel at one corner of the crib became loose. The threaded retaining nut (grommet nut) which should have held the bolt in place either was never supplied or was missing. The siderail could then move out at the top away from the end panel. The child's head was caught between the loose side rail and the end panel of the crib. It is believed that she slid down into the opening formed by the siderail and the end panel. She was caught by the neck and strangled to death.

In another incident involving a machine screw, the screw or bolt securing the bottom of the fixed siderail became disconnected from the cornerpost. This allowed movement of the siderail. The two-year-old girl in the crib fell through the opening between the siderail and the mattress at the corner where the bolt had come out. The child cried one time, and her parents found her trapped with her head caught between the mattress and the siderail. Her body was hanging between the mattress and the siderail. The child's entire weight was supported solely by her head. The victim was blue in the face and unable to breathe when found. She suffered soft tissue damage to the neck and abrasions. Because the victim was unable to breathe, she could not give a second cry. This may explain the absence of any crying by the children involved in many of these cases. Examination of the bolt and the threaded insert into which it fit revealed that when the bolt was inserted through the siderail into the threaded insert, the bolt engaged by only  $\frac{1}{8}$  inch, or  $2\frac{1}{2}$  threads.

Wood screws may also fail by pulling out or loosening. In one case an entire crib collapsed because the wood screws pulled out of the wood components of the crib. A seven-month-old boy who was standing up in the crib at the time suffered fractures to the hand and wrist of his right arm, torn ligaments, and possible permanent disability of the hand and wrist. In other cases, wood screws holding the hooks to the cornerposts have pulled out and could not be retightened.

Some failures involve the hooks supporting the mattress hangers. (See Fig. 2.) These hooks may bend or break. In one incident the lowest metal hook on

one cornerpost of a crib broke causing the 21-month-old boy in the crib to fall to the floor. In another incident, the plastic hooks on a crib broke leaving the victim hanging to the crib rail. Breakage was across the plastic strip containing the hooks, occurring immediately above three of the hooks. The 18-month-old boy in the crib was left hanging onto the siderail. In a third incident, the plastic hooks themselves broke off. The ten-month-old boy in the crib was thrown to the floor and the mattress and spring fell on top of him. The child was found vomiting and bleeding from the right ear.

The Commission and its staff are currently aware of 33 in-depth investigations describing failures or omissions of crib hardware covering the period from 1980 to March, 1983. In 13 of these incidents, the children died. In 7 other cases, the children became entrapped but were freed, and in another 4 incidents, the children involved suffered bruises.

These and other incidents involving crib hardware failures or omissions during this period are included in a document titled "Summary of Sixty-seven Incidents Associated with Crib Hardware—January 1980-March 1983," which was compiled by the Commission's Directorate for Epidemiology. This document is available for inspection in the Commission's public reading room, 8th floor, 1111 18th Street, NW., Washington, D.C., or by writing to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20227.

The Commission staff is also aware of approximately 10 incidents of breakage or deformation of hooks which occurred in 1978 and 1979.

Data concerning injuries to children in cribs were previously collected and published by the Commission in a document entitled *Hazard Analysis: Cribs*, (NIIC-1504-75-H007), dated December, 1975. This report lists eight cases involving full-size cribs in which various items of crib hardware failed. These incidents occurred from 1972 through 1974. Three of the victims involved in these incidents died. The others suffered hematoma to the head, contusions, abrasions, bruises, or no injury.

The staff continues to update its data concerning injuries associated with crib hardware failures and omissions.

#### **B. Regulation Under CPSA Rather Than FHSA**

Since 1974, crib manufacturers have

been required to report possible substantial hazards under section 15(b) of the CPSA. (15 U.S.C. 2064(b)).<sup>2</sup> The Commission has received several such reports concerning crib hardware failures or omissions. The Commission has also learned of hardware failures and omissions through death certificates, consumer complaints, news articles, and other sources.

The Commission believes that the exposure of children to hardware failures or omissions that are reported or discovered should be limited as quickly as possible. The Commission staff believes it can do this most effectively through the negotiation, litigation, and injunction processes available to it under section 15 and, where appropriate section 12, of the CPSA. (See CFR 1115.20 and 15 U.S.C. 2064 and 2061).

Under section 15 of the FHSA (15 U.S.C. 1274), the Commission can also negotiate and order (following an adjudicatory proceeding) public notice and recall of cribs with the hardware failures or omissions. However, such action under the FHSA can be initiated only after the Commission has issued an FHSA regulation applicable to the cribs. Since this "prior rulemaking" requirement does not exist under section 15 of the CPSA, the Commission believes that it would be more expeditious to act under the CPSA. In addition, an adjudicatory proceeding under section 15 of the CPSA provides affected person and firms with the same due process safeguards that they would have in an adjudicatory proceeding under section 15 of the FHSA.

For these reasons, the Commission preliminarily finds that it is in the public interest to regulate risks of injury to children from cribs with hardware failures or omissions under the CPSA rather than the FHSA.

#### **C. Impact on Small Businesses**

Section 603 of the Regulatory Flexibility Act (RFA, 5 U.S.C. 603) requires agencies to prepare and make available for public comment an initial regulatory flexibility analysis of the impact of any proposed rule on small entities, including small businesses. Section 605(b) of the RFA provides that an agency is not required to prepare a regulatory flexibility analysis if the

<sup>2</sup>The original requirement was contained in 39 FR 6069 (February 19, 1974) and the current version of this requirement can be found at 16 CFR 1115.10, which was promulgated August 7, 1978.

agency certifies that the rule, if issued on a final basis, will not have a significant economic impact on a substantial number of small entities.

The regulation proposed below, if issued on a final basis, will not by itself impose any legal or other obligation on any person or firm. The rule would simply express the Commission's determination that any action taken to eliminate or reduce the risk of injury with which it is concerned will be taken following the procedures set forth in the CPSA rather than the FHSA.

If the Commission issues a final rule based on the proposal published below, and then determines that it should act to eliminate or reduce the risk of injury which is the subject of the rule, the Commission will be required to initiate and follow through to completion appropriate judicial or administrative proceedings under one or more sections of the CPSA before it can impose any obligation on any person or firm.

Since a final rule based on the proposal imposes no obligation on any person or firm, the Commission hereby certifies that it will not have a significant economic impact on a substantial number of small businesses.

#### D. Environmental Considerations

The regulation proposed below falls within the categories of Commission actions described in 16 CFR 1021.5(c) that have little or no potential for affecting the human environment. For this reason, neither an environmental assessment nor an environmental impact statement is required.

#### E. Conclusion and Proposal

After consideration of the information set forth above, and provisions of the FHSA and the CPSA, the Commission hereby proposes to regulate under the CPSA rather than the FHSA all possible risks of death or injury which may be associated with baby cribs having hardware failures or omissions except those risks of injury associated with any item of crib hardware now subject to regulations issued under the FHSA. Until issuance of any final regulation under section 30(d) of the CPSA, the Commission has authority to regulate under the FHSA any risk of injury described in this notice which these cribs may present.

#### List of Subjects in 16 CFR Part 1145

Administrative practice and procedure, Consumer protection, infants and children.

Therefore, under provisions of the Consumer Product Safety Act (section

30(d), Pub. L. 92-573, 86 Stat. 1207, as amended Pub. L. 94-284, 90 Stat. 503, Pub. L. 97-35, 95 Stat. 703; 15 U.S.C. 2079(d)), the Commission proposes to amend the Code of Federal Regulations, Title 16, Chapter II, Subchapter B, Part 1145, by adding new a § 1145.14, as follows:

#### PART 1145—REGULATION OF PRODUCTS SUBJECT TO OTHER ACTS UNDER THE CONSUMER PRODUCT SAFETY ACT

\* \* \* \* \*

##### § 1145.14 Baby cribs with certain hardware failures or omissions; risks of death or injury.

(a) The Commission finds that it is in the public interest to regulate under the Consumer Product Safety Act, rather than under the Federal Hazardous Substances Act, possible risks of death or injury that may be associated with baby cribs having items of hardware which break, become loose, detach, or otherwise fail to perform their intended function, or which have been omitted; except those risks of injuries associated with baby cribs which are addressed by provisions of 16 CFR 1500.18(a)(13), Part 1508; § 1500.18(a)(14), Part 1509.

(b) Therefore, if the Commission finds regulation to be necessary, any such risks of death or injury which may be associated with baby cribs having any of the hardware failures or omissions described in § 1145.14(a) shall be regulated only under one or more provisions of the Consumer Product Safety Act.

Interested persons are invited to submit written comments by January 26, 1984. Comments may be accompanied by written data, views, and arguments, and should be addressed to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207.

Received comments may be seen in the Office of the Secretary, Eighth Floor, 1111 18th Street NW., Washington, D.C., between 8:30 a.m. and 5:00 p.m., Monday through Friday.

(Sec. 30(d), Pub. L. 92-573, 86 Stat. 1207, as amended Pub. L. 94-284, 90 Stat. 503, Pub. L. 97-35, 95 Stat. 703; 15 U.S.C. 2079(d))

Dated: December 21, 1983.

Sadye E. Dunn,  
Secretary, Consumer Product Safety Commission.

(FR Doc. 83-34314 Filed 12-23-83; 8:45 am)  
BILLING CODE 6355-01-M

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

##### Food and Drug Administration

##### 21 CFR Parts 442 and 444

[Docket No. 83N-0301]

##### Clarification of Potency Standards for Certain Antibiotic Drugs

##### Correction

In FR Doc. 83-32211 beginning on page 54364 in the issue of Friday, December 2, 1983, make the following corrections:

##### § 442.13a [Corrected]

1. On page 54368, column two, § 442.13a(a)(1)(i), line twelve, "contains" should appear between "container" and "not".

##### § 442.25a [Corrected]

2. On page 54369, column two, § 442.25a(b)(1)(i)(a), "Production" should read "Product".

##### § 444.42a [Corrected]

3. On page 54370, column three, amendatory language to § 444.42a, line four, "(b)(i)(ii)" should read "(b)(1)(ii)".

4. On page 54375, column three, paragraph five, line two, "January 31, 1984" should read "January 3, 1984".

BILLING CODE 1505-01-M

#### DEPARTMENT OF THE TREASURY

##### Internal Revenue Service

##### 26 CFR Part 1

[LR-4-78]

##### Investment Credit for Cooperatives

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to the investment credit for cooperative organizations. Changes to the applicable tax law were made by the Revenue Act of 1978. The regulations would provide the public with the guidance needed to comply with that Act and would affect cooperatives that earn investment credit and the patrons of those cooperatives.

DATES: Written comments and requests for a public hearing must be delivered or mailed by February 27, 1984. In general, the amendments are proposed to be effective for taxable years of cooperatives ending after January 27, 1984. Cooperatives may elect to have these regulations apply to their taxable years ending after October 31, 1978, and before [31 DAYS AFTER PUBLICATION OF THESE PROPOSED AMENDMENTS]

AS A FINAL REGULATION]. However, the recapture provisions are generally effective for taxable years ending after October 31, 1978.

**ADDRESS:** Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR-4-78) Washington, D.C. 20224.

**FOR FURTHER INFORMATION CONTACT:** Patricia K. Keesler of the Employee Plans and Exempt Organizations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, Attention: CC:LR:T (202-566-3430, not a toll-free number).

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 46 of the Internal Revenue Code of 1954. These amendments are proposed to conform the regulations to section 316 of the Revenue Act of 1978 (92 Stat. 2829) and are to be issued under the authority contained in sections 38(b) (78 Stat. 963; 26 U.S.C. 38(b)), 46(h) (92 Stat. 2829; 26 U.S.C. 46(h)), and 7805 (68A Stat. 917; 26 U.S.C. 7805) of the Internal Revenue Code of 1954.

Before the passage of the Revenue Act of 1978, section 46(e) limited the amount of investment credit allowable to a cooperative organization. In addition, unused credit was carried back and over at the cooperative level.

Section 316 of the Revenue Act of 1978 eliminated the special limitation on the investment credit of a cooperative and provided that unused credit must be passed through to the cooperative's patrons. These regulations reflect section 316 of the Act and provide the rules for allocating the credit to patrons of the cooperative.

The proposed regulations provide 2 methods for allocating the unused credit to a cooperative's patrons. Under the first method the cooperative allocates the credit to all its patrons on the basis of business done with the cooperative. As an alternative, the cooperative may elect to use the second method for all taxable years beginning with the year for which the election is first made. Under the second method, the unused credit is allocated first to the various allocation groups within the cooperative that reasonably expect to use the property. Allocation to each group is based on the ratio of credit earned on behalf of the group to credit earned on behalf of all of the groups within the cooperative. Within each group,

allocation of credit to a patron is on the basis of business done with the group.

A cooperative may choose either of these methods for allocating the unused credit. The cooperative must use that method for allocating all unused credit earned for any one taxable year.

The proposed regulations provide a procedure for the cooperative to notify both the patrons and the Internal Revenue Service of an investment credit passthrough. This procedure will not substantially increase the reporting requirements for cooperatives. The regulations require the notification to appear on statements and forms (Forms 1096 and 1099-PATR) already required in the absence of special circumstances. An exception to the notification requirements applies for *de minimis* amounts of credit.

Under the proposed regulations, the recapture of the investment credit as well as other adjustments that affect the amount of tax are made only at the cooperative level.

##### **Comments and Requests for a Public Hearing**

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the *Federal Register*.

##### **Regulatory Flexibility Act**

Although this document is a notice of proposed rulemaking that solicits public comment, the Internal Revenue Service has concluded that the regulations proposed herein are interpretative and that the notice and public procedure requirements of 5 U.S.C. 553 do not apply. Accordingly, these proposed regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6).

##### **Executive Order 12291**

The Commissioner has determined that this proposed regulation is not a major regulation for purposes of Executive Order 12291. Accordingly, a regulatory impact analysis is not required.

##### **Paperwork Reduction Act**

The collection of information requirements contained in this notice of proposed rulemaking have been submitted to the Office of Management

and Budget (OMB) for review under section 3504(h) of the Paperwork Reduction Act. Comments on these requirements should be sent to the Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for Internal Revenue Service, New Executive Office Building, Washington, D.C. 20503. The Internal Revenue Service requests that persons submitting comments on these requirements to OMB also send copies of those comments to the Service.

##### **Drafting Information**

The principal authors of these proposed regulations are Benedetta A. Kissel of the Legislation and Regulations Division and Patricia K. Keesler of the Employee Plans and Exempt Organizations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

##### **List of Subjects in 26 CFR 1.46-10**

Income taxes, Tax liability, Tax rates, Credits.

##### **Proposed Amendments to the Regulations**

The proposed amendments to 26 CFR Part 1 are as follows:

##### **PART 1—[AMENDED]**

**Paragraph 1.** Paragraph (a)(3) of § 1.46-3 is amended by inserting a new sentence to follow the first sentence to read as set forth below:

##### **§ 1.46-3 Qualified investment.**

(a) *In general.* \* \* \*

(3) However, in the case of a cooperative organization, the reduction is made only for property placed in service in taxable years ending before November 1, 1978.

\* \* \*

**Par. 2.** Paragraph (c) of § 1.46-4 is amended by—

(a) redesignating paragraphs (c)(1), (c)(2), and (c)(3) as (c)(2), (c)(3), and (c)(4), respectively,

(b) adding a new paragraph (c)(1), and  
(c) removing "(1)(i) and the amount described in subparagraph (1)(11)" from the first sentence of paragraph (c)(3) (as redesignated) and adding instead "(2)(i) and the amount described in subparagraph (2)(ii)".

The added provision reads as follows:

##### **§ 1.46-4 Limitations with respect to certain persons.**

\* \* \*

(c) *Cooperatives.* (1) This paragraph (c) does not apply to property placed in service in taxable years of cooperatives ending after October 31, 1978. For rules that may be applicable to those taxable years see § 1.46-10. For transitional rules see § 1.46-10(g).

Par. 3. A new § 1.46-10 is added immediately after § 1.46-9 to read as follows:

**§ 1.46-10 Cooperatives and their patrons.**

(a) *In general.*—(1) *Scope.* This section prescribes rules under section 46(h) of the Code, relating to the investment credit ("credit") of cooperatives and their patrons.

(2) *Definition of cooperative.* For purposes of this section, a cooperative is any cooperative organization described in section 1381(a).

(3) *Definition of patron.* For purposes of this section, the term "patron" has the same meaning as in § 1.1388-1(e).

(4) *Effective date.* (i) This section is effective for property placed in service in a taxable year of a cooperative ending after [30 DAYS AFTER PUBLICATION OF THESE PROPOSED AMENDMENTS AS A FINAL REGULATION].

(ii) This section is also effective for recapture and corrective adjustments (as described in paragraph (f) of this section) that affect a taxable year ending after October 31, 1978. However, § 1.46-10(f)(4) is effective for corrective adjustments made after [30 DAYS AFTER PUBLICATION OF THESE PROPOSED AMENDMENTS AS A FINAL REGULATION].

For property placed in service in a taxable year of a cooperative ending before November 1, 1978, see § 1.46-4(c). For property placed in service in a taxable year of a cooperative ending after October 31, 1978, and before [31 DAYS AFTER PUBLICATION OF THESE PROPOSED AMENDMENTS AS A FINAL REGULATION], see paragraph (g)(1) of this section.

(b) *Rules applicable at the cooperative level.* Except as otherwise provided in this section, the rules of sections 46, 47, and 48 apply at the cooperative level. Thus, under section 46(h), a cooperative determines the amount of credit earned and the limitation based on the amount of tax (such tax determined under sections 1381-1383 and section 11) in the same manner as other corporations. For example, to determine such items as qualified investment, useful lives, and the character of property, the rules apply at the cooperative level. In addition, pursuant to section 46(a)(7), if a cooperative has credit not attributable

to the energy percentage ("non-energy credit") and credit attributable to the energy percentage ("energy credit") it shall apply the credit earned against its tax liability in the same order as other corporations.

(c) *Allocation to patrons of unused credit.*—(1) *Passthrough.* The amount of credit that cannot be used at cooperative level for the credit year (as defined in § 1.47-1(a)(1)(ii)(a)) due to the limitation contained in section 46(a)(3) must be passed through to the cooperative's patrons under the rules of this paragraph (c) and is referred to as a "passthrough" in this section. Thus, to the extent a cooperative cannot use an investment credit in the year property is placed in service, the credit may not be carried back or carried forward by the cooperative, but will be allocated to the patrons as set forth below. In determining the amount of the credit earned and the amount of the passthrough, the cooperative must separately determine for the taxable year the amount of each type of passthrough. The types are (A) passthrough not attributable to the energy percentage ("nonenergy credit passthrough") and (B) passthrough attributable to the energy percentage ("energy credit passthrough").

(2) *General rules for allocating a passthrough.* (i) Unless the election is made under paragraph (c)(3) of this section, the cooperative must allocate the amount of passthrough for a taxable year among its patrons on the basis of quantity or value of business done with or for those patrons. The amount of each type of passthrough (non-energy credit or energy credit) for a taxable year allocated to a particular patron is determined by multiplying the total amount of the passthrough of that type by a fraction. The numerator of the fraction is the quantity or value of business done with or for that patron (or, if paragraph (c)(2)(ii) of this section applies, the amount distributed to that patron) and the denominator of the fraction is the aggregate of the quantity or value of business done with or for all patrons (or, if paragraph (c)(2)(ii) of this section applies, the amounts distributed to all the patrons for the same period).

(ii) If a cooperative makes distributions for the taxable year to patrons on the basis of the quantity or value of business done, the cooperative must allocate the passthrough to its patrons on the basis of those distributions. Thus, the cooperative must compute for its taxable year the amount distributed to each patron during the payment period (as defined in section 1382(d)) for that taxable year. The amount distributed is the sum of all of

the distributions made to the patron, in any form (including per-unit retain allocations and qualified and nonqualified written notices of allocation as defined in section 1388), on the basis of quantity or value of business done with or for that patron for the taxable year. The amount of each type of passthrough (non-energy credit or energy credit) for a taxable year allocated to a particular patron is then determined by using the fraction set forth in paragraph (c)(2)(i) of this section.

(3) *Alternative group method of allocation.* (i) A cooperative that has more than one allocation group may elect the alternative group method of allocation as described in this paragraph. Under this method, the cooperative must allocate each type of passthrough first to the allocation group or groups that the cooperative reasonably expects will use the property, and then among the members of the group or groups to which the passthrough was allocated. For the manner of making the election, see paragraph (c)(3)(vi) of this section. For purposes of this section, an allocation group consists of those patrons treated by the cooperative as a group for purposes of computing patronage dividends under section 1388(a)(1).

(ii) The amount of a passthrough allocated to an allocation group is determined by first computing (A) the amount of nonenergy credit earned with respect to property placed in service during the taxable year for the use of the group and (B) the amount of energy credit so earned. To determine the amount of nonenergy credit passthrough allocated to an allocation group, the cooperative multiplies the amount of the passthrough by a fraction. The numerator of the fraction is the amount of nonenergy credit earned by the group (determined under paragraphs (c)(3)(iii)(A) and (c)(3)(iii) of this section) and the denominator is the aggregate of the nonenergy credit earned by all the allocation groups of the cooperative. The same principles apply to determine the amount of energy credit passthrough allocated to an allocation group.

(iii) For purposes of the allocation under paragraph (c)(3)(ii) of this section, if property is placed in service for the use of 2 or more allocation groups, the cooperative must apportion the credit earned with respect to the property among its allocation groups on the basis of the cooperative's reasonable expectations of the property's use by those groups for the period ending with the recapture period for that property. For example, if the cooperative

reasonably expects 75 percent of a property's use to be by or for the egg group and 25 percent to be by or for the wheat group, the egg group is apportioned 75 percent of the credit earned for the property and the wheat group is apportioned 25 percent of the credit earned.

(iv) The amount of each type of passthrough allocated to a particular patron of an allocation group is determined by multiplying the total amount of the allocation group's passthrough of that type by a fraction. The numerator of the fraction is the quantity of value of business done by or for the patron with that allocation group (or, if paragraph (c)(2)(ii) of this section applies, the amounts distributed to the patron). The denominator of the fraction is the aggregate of the quantity or value of business done by or for (or, if paragraph (c)(2)(ii) of this section applies, the amounts distributed to) all patrons with that allocation group.

(v) If the patron is a member of more than one allocation group, that patron's passthrough of each type (energy or nonenergy credit) is the sum of the amounts of that type of passthrough allocated to the patron by the allocation groups in which the patron participates.

(vi) A cooperative elects the alternative group method of allocation by computing the amount of each patron's passthrough using that method for a taxable year and including on the notice to patrons under paragraph (c)(4) of this section, a statement that the alternative method was used. The election may not be changed after the due date for the statement required under paragraph (c)(4) of this section. The election applies for the taxable year made and for all succeeding taxable years. An election cannot be revoked for succeeding taxable years unless the cooperative obtains consent from the appropriate Tax Rulings Division in the Office of Associate Chief Counsel (Technical). (See § 601.201 (Statement of Procedural Rules)). A request for consent must state the reasons why the alternative group method is no longer an equitable method of allocating the the passthrough to the patrons. The request must be made no later than 6 months prior to the due date of the first statement required by paragraph (c)(4) of this section that would reflect revocation of the election.

(4) *Time and manner of notifying patrons of passthrough.* (i) A cooperative must notify each patron and the Internal Revenue Service of the amount and type of passthrough allocated to the patron if the total amount of that patron's passthrough for the credit year is \$10 or more. The

amount and type of passthrough must be entered on the first statement that is required by section 6044 (Form 1099 PATR) or would be required by that section if (A) the amount of the payment subject to reporting were \$10 or more or (B) the cooperative were not a consumer cooperative exempt from the requirements of section 6044. The statement must be furnished to the Internal Revenue Service and to the patron after the end of the payment period for the taxable year in which the credit was earned (or such earlier time as provided under the rules of section 6044 and the regulations thereunder).

(ii) If the total amount of passthrough allocated to a patron by the cooperative for the taxable year is less than \$10, then the cooperative may, but is not required to, notify the particular patron of the passthrough. To the extent that notification is not made because the patron's passthrough is less than \$10, the credit may not be used by any patron or the cooperative. Additionally, to the extent notification is not made, that amount of the passthrough is not subject to recapture under section 47 or § 1.46-10 (f).

(iii) The cooperative must enter on or attach to the notification, a statement that the passthrough must be reported on any one of the patron's income tax returns described below.

(A) The first income tax return due (without regard to extensions) on or after receipt of the notification by the patron, or

(B) If the patron has previously filed the income tax return described in paragraph (c)(4)(iii)(A) above, on a return amending such income tax return, or

(C) If the patron has filed the income tax return described in paragraph (c)(4)(iii)(A) above before receipt of the notification and does not file an amended return as permitted by paragraph (c)(4)(iii)(B) above, on the income tax return due for the patron's first taxable year ending on or after receipt of the notification by the patron. The notice should also state that (1) the patron may not amend any return that was due (without regard to any extensions) prior to the receipt of the notification by the patron and (2) to the extent that any passthrough cannot be used by the patron due to the liability limitation of section 46(a)(3) of the Code, the patron may carry back and carry over the amount of unused credit in accordance with the rules of section 46(b) of the Code.

(iv) A cooperative that, without regard to this paragraph, is not required to furnish a statement to a patron, need not

furnish the information described in § 1.6044-5(b)(1).

(d) *Patrons' use of passthrough.* A patron notified of a passthrough shall report the passthrough on any one of the patron's income tax returns described in paragraph (c)(4)(iii) of this section. However, the patron may not amend any return that was due (without regard to any extensions) prior to the receipt of the notification by the patron. To the extent any passthrough cannot be used by the patron due to the tax liability limitation of section 40(a)(3), that patron may carry back and carry over the amount of unused credit in accordance with the rules of section 46(b). The patron's nonenergy credit passthrough is added to, and used with, the patron's nonenergy credit earned in that first taxable year as if it were also nonenergy credit earned by the patron (rather than by the cooperative) during that year. The patron's energy credit passthrough is added to, and used with, the patron's energy credit earned in that taxable year as if it were also energy credit earned by the patron during that year.

(e) *Examples.* The principles of paragraphs (b) through (d) of this section are illustrated by the following examples.

Example (1). Cooperative S, a calendar year taxpayer, operates both a sporting goods purchasing activity and a cotton marketing activity. S places one asset, a cotton gin, in service during 1983 to be used in the cotton marketing activity. S earns investment tax credit on the cotton gin that it cannot use due to the limitation of section 46(a)(3). S treats the purchasing patrons and the marketing patrons as two separate allocation groups for purposes of computing patronage dividends. S elects to compute its patrons' passthrough under the alternative group method of allocation. S allocates the entire passthrough to the patrons of the purchasing group. Because it is reasonable to expect that the cotton gin will be used only by the cotton marketing group and never by the purchasing group, the cooperative will be required to reallocate the passthrough to the marketing group.

Example (2). (a) Cooperative Q, a calendar year taxpayer, markets wheat and eggs. Q places one asset, an egg sorter, in service during 1983 and earns credit that it cannot use due to the limitation of section 46(a)(3). Q treats its egg patrons and wheat patrons as two separate allocation groups for purposes of computing patronage dividends. Q elects to compute its patrons' passthrough under the alternative group method of allocation. Because the cooperative reasonably expects the property to be used only by the egg group, patrons of the egg group will receive 100 percent of the passthrough for 1983.

(b) For 1984, Q's credit earned is \$60,000, consisting of \$12,500 for a wheat grinder reasonably expected to be used only by the wheat group, \$27,500 for an egg washer

reasonably expected to be used only by the egg group, and \$20,000 for energy property reasonably expected to be used 75 percent of the time for marketing wheat and 25 percent of the time for marketing eggs. Of the \$60,000 credit earned \$50,000 is nonenergy and \$10,000 (of the \$20,000 credit earned for energy property) is energy credit. Q has no unused credit from years prior to 1978. Q's tax liability for 1984 before application of investment credit is \$20,000. Under section 46(a)(3), Q's tax liability limitation is \$20,000. Thus, \$20,000 of credit is used against Q's tax liability and \$40,000 of the \$60,000 credit is passed through. Since under § 1.46-1 (m) nonenergy credit is considered used first, \$20,000 of the nonenergy credit is used by the cooperative. The nonenergy credit passthrough is \$30,000 (i.e., \$50,000 minus \$20,000) and the energy credit passthrough is \$10,000. The credit earned on behalf of each group and passed through to each group is determined as follows:

| Credit earned     | Nonenergy  | Energy   |
|-------------------|--|--|
| Wheat             | \$20,000 (i.e., \$12,500 + (.75 × \$10,000)).    | \$7,500 (i.e., .75 × \$10,000)                 |
| Egg               | \$30,000 (i.e., \$27,500 + (.25 × \$10,000)).    | \$2,500 (i.e., .25 × \$10,000).                |
| Total             | \$50,000   | \$10,000.                                      |
| Allocation:       |  |  |
| Wheat passthrough | \$12,000 (i.e., \$30,000 × \$20,000 / \$50,000). | \$7,500 (i.e., \$10,000 × \$7,500 / \$10,000). |
| Egg passthrough   | \$18,000 (i.e., \$30,000 × \$30,000 / \$50,000). | \$2,500 (i.e., \$10,000 × \$2,500 / \$10,000). |

(c) For 1984, Q allocates its passthrough to patrons on the basis of distributions. Q's distributions to patrons total \$60,000 to the wheat group and \$100,000 to the egg group. Q's distributions to patron A, a wheat producer, and patron B, an egg producer, are as follows:

|  | Patron A | Patron B |
|--|----------|----------|
| Per unit retain allocation in cash   | \$4,000  | \$15,000 |
| Qualified per unit retain certificate  | 1,000    | 2,500    |
| Nonqualified per unit retain certificate   | 2,000    | 1,500    |
| Patronage dividend consisting of cash and qualified and nonqualified written notices of allocation | 3,000    | 1,000    |
| Total  | 10,000   | 20,000   |

Q's passthrough to patrons A and B is determined as follows:

|          | Nonenergy  | Energy  |
|----------|--|---|
| Patron A | \$2,000 (i.e., \$12,000 × \$10,000 / \$60,000).  | \$7,250 (i.e., \$7,500 × \$10,000 / \$60,000) |
| Patron B | \$3,600 (i.e., \$18,000 × \$20,000 / \$100,000). | \$2,500 × \$20,000 / \$100,000                |

**Example (3).** (a) In 1982, cooperative T, a calendar year taxpayer, places in service nonenergy property, and earns an investment credit of \$10,000. All of it is unused credit due to the limitation of section 46(a)(3). Under the general rule of paragraph (c)(2) of this

section, the cooperative allocates \$1,000 of passthrough to A and \$2,000 to B on the basis of business done with or for patrons.

(b) On January 15, 1984, T notifies patrons A and B of their share of the passthrough on their forms 1099-PATR for 1983. T reports the information contained in the patrons' notifications to the Internal Revenue Service on forms 1096 and 1099-PATR for 1983. Patrons A and B report the passthrough on the first tax return due after January 15, 1984.

(c) A is an individual and a calendar year taxpayer. In addition to the passed-through credit, A has \$200 of nonenergy credit earned in 1984. In computing A's 1983 taxes, A finds that \$500 of A's total \$1,200 nonenergy credit cannot be used due to the limitation of section 46(a)(3). A carries the unused investment credit back over in accordance with the rules of section 46(b).

(f) **Recapture or adjustments of investment credit.** (1) **Recapture.** If an event, such as a disposition of section 38 property by a cooperative, gives rise to a recapture determination, section 47 and the regulations thereunder apply as if the cooperative had claimed and used the credit against its tax liability in the credit year without regard to the amount of any passthrough. (See, however, § 1.46-10(c)(4)(ii) for rules with regard to *de minimis* amounts of passthrough credit that will not be recaptured.) Thus, the increase in tax under § 1.47-1(a)(1)(i) for a cooperative's recapture year is not affected by the amount passed through in the credit year. Nor will such an increase in tax affect the ability of patrons to carry the passed-through credit back or over. The terms "credit year", "recapture year" and "recapture determination" are defined in § 1.47-1(a)(1)(ii).

(2) **Increase or decrease in amount of credit earned.** (i) If the amount of credit earned by a cooperative for any credit year is increased or decreased as a result of any determination within the meaning of section 1313(a) of the Code, the rules of paragraphs (f)(2) (ii), (iii), (iv) and (v) of this section apply.

(ii) If the adjustment decreases the amount of the credit earned for the credit year, the adjustment generally will be treated like any other adjustment of the cooperative's tax liability for the credit year. In addition, if the amount of the decrease in credit exceeds the amount of the credit earned that was reported on the cooperative's income tax return as reducing its tax liability, the excess generally will be treated as an additional tax liability at the cooperative level in the credit year. Therefore, the excess will be treated as if the cooperative had claimed and used such excess against its tax liability in the credit year without regard to the amount of any passthrough. This adjustment will not affect the ability of

the patrons to claim the credit or to carry the passthrough back or over.

(iii) In the event that (A) the amount of credit earned for any credit year is decreased as a result of a determination within the meaning of section 1313(a) of the Code and the decrease is due to an intentional overstatement by the cooperative, whether direct or indirect, of the amount of unused credit for any credit year, or (B) the cooperative is for any reason unable to satisfy the tax liability resulting from a determination within the meaning of 1313(a) of the Code, that decreases the amount of credit earned for any credit year, the Internal Revenue Service shall have the authority to make an appropriate adjustment to the tax liability of each patron to whom the unused credit was passed, by disallowing any passthrough claimed by a patron with respect to the credit that was decreased by the determination. If such an adjustment is made to the tax liability of a patron, the corresponding decrease in the amount of the credit earned for the year will not be treated like an adjustment of the cooperative's tax liability for the credit year.

(iv) The provisions of paragraph (f)(2)(iii) of this section are illustrated by the following example.

**Example.** Cooperative X earns \$100 of credit in 1982, all of which is unused credit that is passed through in equal amounts under the rules of § 1.46-10(c), to the cooperative's patrons A, B, C, and D. Assume that patrons A, B, and C each use their share of the passthrough to offset \$25 of tax liability, but that patron D has no tax liability against which to offset the passthrough and that patron D does not carry the passthrough back or over under the rules of section 46(b). If, as a result of a determination under section 1313(a), the \$100 credit earned by the cooperative is disallowed, but the cooperative is insolvent and unable to satisfy the resulting \$100 tax liability, the Internal Revenue Service may disallow the \$25 passthrough claimed by patrons A, B, and C. The Internal Revenue Service, however, may not make any adjustment in the case of patron D because patron D did not use the \$25 passthrough to offset any tax liability. If an adjustment is in fact made to the tax liability of patrons A, B, and C, their \$75 share of the decrease in the credit would not be treated as an adjustment to the tax liability of the cooperative. The \$25 of unused credit passed through to patron D, however, could not be used by patron D in any taxable year.

(v) An increase in the amount of credit earned is used at the cooperative level to the extent that the limitation based on amount of tax (contained in section 46(a)(3)) for the credit year exceeds the credit previously used and not recaptured at the cooperative level. To



the extent an increase in the amount of credit cannot be used at the cooperative level for the credit year, the increase must be passed through as an additional passthrough, as far as is practicable, to the patrons of that credit year. See paragraph (f)(4)(ii) of this section, relating to *de minimis* amounts of additional passthrough. See paragraph (f)(4) of this section for rules that apply when a cooperative makes an additional passthrough under this paragraph.

(3) *Change in tax liability limitation.*

(i) If a cooperative's limitation based on amount of tax under section 46(a)(3) is increased or decreased for a credit year as a result of any determination within the meaning of section 1313(a) of the Code, the rules of paragraphs (f)(3) (ii) and (iii) of this section apply.

(ii) If a cooperative's limitation based on the amount of tax under section 46(a)(3) is increased for the credit year, and sufficient credit was earned for the credit year to offset that increase, the credit may be used at the cooperative level only if the cooperative has not yet notified its patrons of a passthrough of the credit or reported the passthrough to the Internal Revenue Service for the credit year. If the cooperative has notified its patrons of a passthrough of the credit or reported the passthrough to the Internal Revenue Service of the credit year, the cooperative's increase in tax liability may not be offset by that credit. However, an increase in the cooperative's limitation based on amount of tax does not affect the ability of patrons to use the full amount of the credit passed through for the credit year.

(iii) If a cooperative's limitation based on amount of tax is decreased for a credit year, the amount of credit that becomes unused credit because of the decrease must be passed through as an additional passthrough, as far as is practicable, to the patrons of the credit year. See paragraph (f)(4)(ii) of this section, relating to *de minimis* amounts of additional passthrough. See paragraph (f)(4) of this section for rules that apply when a cooperative makes an additional passthrough under this subdivision (iii).

(4) *Additional passthrough.* If a cooperative must make an additional passthrough under paragraph (f)(2) or (3)(iii) of this section, the following rules apply:

(i) The cooperative must determine the amount to be passed through to each patron under the principles of paragraph (c)(2) of this section (or paragraph (c)(3) of this section if an election under that paragraph is in effect for the year the credit was earned).

(ii) If the additional amount to be

passed through to a patron is less than \$10, the cooperative may, but is not required to, notify the patron of the amount. To the extent notification is not made because the patron's passthrough is less than \$10, the credit may not be used by any patron or the cooperative. Additionally, to the extent notification is not made, that amount of the passthrough is not subject to recapture under section 47 or paragraph (f)(1) of this section.

(iii) Except as provided in paragraph (f)(4)(ii) of this section, the cooperative must notify its patrons and the Internal Revenue Service of any additional passthrough on a statement that identifies the cooperative making the passthrough, the patron receiving the passthrough, and the amount of each type of passthrough. The notification must state that the passthrough must be reported on any one of the patron's income tax returns described in paragraph (c)(4)(iii) of this section, to the extent the passed through credit does not exceed the section 46(a)(3) tax liability limitation. To the extent any portion of the passed through credit cannot be used by the patron due to the tax liability limitation of section 46(a)(3), the patron may carry back or carry over the amount of the unused credit in accordance with the rules of section 46(b). The notification must be sent to the patrons within the time for sending the patrons the first Form 1099A-PATR that is due after the adjustment is made. The cooperative must also send the passthrough information to the Internal Revenue Service within the time for filing the first forms 1096 and 1099-PATR that are due after the adjustment is made.

(iv) Any credit that cannot be allocated in this manner because, for example, a patron cannot be located after reasonable effort, shall increase amounts of additional passthrough of each type (as described in paragraph (c)(1)(ii) of this section) available for passthrough to those patrons of the credit year who can be located.

(g) *Transitional rules.*—(1) *Certain taxable years.* (i) Except as provided in (g)(1)(ii) of this section, for taxable years of a cooperative ending after October 31, 1978, and before [31 DAYS AFTER PUBLICATION OF THESE PROPOSED AMENDMENTS AS A FINAL REGULATION], any method of determining the passthrough and allocating the unused credit to patrons that is reasonable in light of the statutory language of section 316 of the Revenue Act of 1978, and the legislative history of that section, will be acceptable.

(ii) For taxable years of a cooperative ending after October 31, 1978, and before [31 DAYS AFTER PUBLICATION OF THESE PROPOSED AMENDMENTS AS A FINAL REGULATION], a cooperative may elect to recompute the allocation of unused credit in accordance with the rules of this section. Except as provided in section 6511, the effect of the election is to make all the rules contained in this section applicable to all taxable years of the cooperative ending after October 31, 1978. The cooperative makes an election under this paragraph by attaching to an amended return (or original return, as the case may be) for each of the years affected a statement that it elects to recompute the allocation of unused credit under 1.46-11(g)(1)(ii). The cooperative must notify the patrons of the adjustments, if any, due to the election under this subdivision (ii). The adjustments must be made under the principles of this section. In no event will the cooperative and its patrons be allowed an aggregate credit for taxable years ending after October 31, 1978 and before [31 DAYS AFTER PUBLICATION OF THESE PROPOSED AMENDMENTS AS A FINAL REGULATION] greater than would have been allowed if the regulations had been applied in the first instance for those taxable years.

(2) *Certain carryovers.* A cooperative that has credit carryovers deriving from taxable years ending before November 1, 1978, shall continue to carry the credit forward for the time prescribed in section 46(b). The amount of the credit is not recomputed under this section. Credit carried over under this paragraph (g)(2) shall be used by the cooperative prior to credits earned during the current taxable year. Thus, the carryovers may have the effect of increasing the amount of unused credit earned in taxable years ending after October 31, 1978 and available to be passed through to patrons. However, no amount of credit earned in taxable years ending before November 1, 1978, and carried over shall be passed through to patrons.

(3) *Patrons' carryback.* Patrons that are subject to the carryback provisions of section 46(b) shall carryback unused credit deriving from a cooperative's passthrough to those taxable years allowed by section 46 without regard to the effective date of this section.

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

[FR Doc. 83-34285 Filed 12-22-83; 11:39 am]

BILLING CODE 4830-01-M



**26 CFR Part 52****[LR-16-81]****Environmental Taxes on Petroleum and Certain Chemicals; Public Hearing on Proposed Regulations****AGENCY:** Internal Revenue Service, Treasury.**ACTION:** Notice of public hearing on proposed regulations.**SUMMARY:** This document provides notice of a public hearing on proposed regulations relating to the imposition of taxes on petroleum and certain chemicals.**DATE:** The public hearing will be held on Thursday, February 16, 1984, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by February 2, 1984.**ADDRESS:** The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, N.W., Washington, D.C. The requests to speak and outlines or oral comments should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR-16-81), Washington, D.C. 20224.**FOR FURTHER INFORMATION CONTACT:** Lou Ann Craner of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, telephone 202-566-3935, (not a toll-free call).**SUPPLEMENTARY INFORMATION:** The subject of the public hearing is proposed regulations under section 4611, 4612, 4661, and 4662 of the Internal Revenue Code of 1954. The proposed regulations appear in the Proposed Rules Section of the Federal Register for Friday, October 21, 1983 (48 FR 48839).

The proposed regulations provide that chemicals listed in section 4661(b) that are present in a hydrocarbon stream and that are never isolated from that stream, but are blended with other products and sold as gasoline, are treated as taxable chemicals. The Service invites comments on the manner and extent to which this provision should apply to such chemicals both in domestically produced and imported gasoline. The Service also requests comments on the issue of whether these chemicals, the building blocks for which are present in crude oil from which gasoline is refined but which themselves are not present in the crude oil, are being manufactured and sold for use.

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who submit written comments within the time prescribed in the notice of proposed rulemaking and who also desire to present oral comments at the hearing on the proposed regulations should submit not later than February 2, 1984, an outline of the oral comments to be presented at the hearing and the time they wish to devote to each subject.

Each speaker will be limited to 10 minutes for an oral presentation exclusive of the time consumed by questions from the panel for the government and answer to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

By direction of the Commissioner of Internal Revenue:

George H. Jelly,  
*Director, Legislation and Regulations Division.*

[FR Doc. 83-34266 Filed 12-23-83; 8:45 am]

BILLING CODE 4830-01-M

**DEPARTMENT OF THE INTERIOR****National Park Service****36 CFR Parts 1, 2 and 7****General and Special Regulations for Areas Administered by the National Park Service****AGENCY:** National Park Service, Interior.**ACTION:** Proposed rule.

**SUMMARY:** This notice proposes amendments to general National Park Service regulations dealing with trapping, the use and possession of weapons, definitions and information collection. These amendments are required to correct and clarify certain points in the final regulations published on June 30, 1983 (48 FR 30252) and temporarily to relax, for certain park areas, the regulation governing trapping. This notice also includes special regulations for individual park areas that authorize special uses such as aircraft operations, snowmobiling, fishing, and hunting and trapping.

**DATES:** Written comments, suggestions, or objections will be accepted until January 26, 1984.

**ADDRESS:** Comments should be addressed to: Associate Director, Park Operations, National Park Service, Department of the Interior, 18th and C Streets, NW, Washington, DC 20240.

**FOR FURTHER INFORMATION CONTACT:** Weston P. Kreis, Acting Chief, Branch of Ranger Activities, National Park Service, Washington, DC 20240, telephone (202) 343-5607.

**SUPPLEMENTARY INFORMATION:****Background**

On June 30, 1983, the National Park Service published final regulations for areas administered as part of the National Park System (48 FR 30252). These rules provide guidance and controls for public use and recreation activities such as camping, fishing, boating, hunting, and winter sports. The original effective date of these regulations was October 3, 1983. This date has been postponed twice, to December 19, 1983 (48 FR 43174), and to the new effective date of March 2, 1984.

This notice proposes changes to sections of the general regulations dealing with trapping and weapons. Amendments are offered to make changes in the definition section and in the regulation on information collection. The nature of these changes is discussed in the Section-by-Section Analysis, below.

The new general regulations establish requirements that individual park areas promulgate special regulations if certain activities are to be permitted. Section 2.2(b)(2) authorizes superintendents to allow hunting in park areas where hunting is authorized as a discretionary activity under Federal law, as in the enabling legislation. The determination to allow hunting in these cases must be based upon public safety and enjoyment and sound resource management principles. Hunting to be done pursuant to special regulations. Hunting is now taking place, based upon this discretionary authority, in two park areas: Padre Island National Seashore and Cape Cod National Seashore. Of these, Padre Island National Seashore now has special regulations in effect. This rulemaking proposes regulations to authorize hunting at Cape Cod National Seashore, also.

Regulations also are being proposed to authorize hunting in the Amistad, Coulee Dam, Curecanti, and Lake Meredith Recreation Areas. These areas were not established by statute. They are administered by the National Park Service under cooperative agreements with other Federal agencies. In each of these areas, hunting predates the

cooperative agreement and is an established recreational use of the area. The authorization of hunting by regulation is consistent with the cooperative agreements and federal laws generally applicable to the management of public lands.

Trapping is an ongoing activity at the Curecanti Recreation Area and Lake Meredith Recreation Area. Although the new general regulations do not require, specifically, that special regulations authorize trapping under these circumstances, the Service believes that requirements relating to trapping and discretionary hunting should be consistent. Therefore, special regulations to authorize trapping are being proposed for Curecanti Recreation Area and Lake Meredith Recreation Area.

Section 2.17(a)(1) of the general regulations prohibits the use of aircraft at locations other than those designated pursuant to special regulations. Existing general National Park Service regulations have applied this requirement only to conventional, powered aircraft. The new regulations, however, define aircraft as including powerless flight vehicles, thereby applying the overall restriction to devices such as hang gliders and balloons. Ultralight aircraft, powered hang gliders, and similar craft also are covered by the regulation.

In recent years, a number of park areas have permitted powerless flight activities under the authority of a general regulation issued in 1976. This regulation established a framework for a system of permits and operating standards for each area, to the extent necessary to protect visitors and resources. The new general regulation on aircraft use does not deal with unconventional aircraft in the same detail. However, the authority to impose necessary restrictions is available in the new general regulations on closures and public use limits (§1.5) and permits (§1.6). Special regulations are being proposed for the following park areas to authorize the continuation of powerless flight activities at designated locations and under restrictive controls now in effect:

Blue Ridge Parkway  
Delaware Water Gap National Recreation Area  
Golden Gate National Recreation Area  
Indiana Dunes National Lakeshore  
Lake Mead National Recreation Area  
Lake Meredith Recreation Area  
Point Reyes National Seashore  
Shenandoah National Park  
Sleeping Bear Dunes National Lakeshore  
Whiskeytown Unit, Whiskeytown-Shasta-Trinity National Recreation Area

#### Yosemite National Park

In addition to the regulations proposed in order to allow the continuation of powerless flight activities in the park areas listed, special regulations also are being proposed to authorize operation of aircraft at specified locations in Death Valley National Monument, Cape Lookout National Seashore, Channel Islands National Park, Lake Mead National Recreation Area, Lake Chelan National Recreation Area, and Ross Lake National Recreation Area.

The fourth activity for which special regulations are required by the new general regulations is snowmobile use. Section 2.18(c) limits use of these vehicles to designated routes on land and water used by motorized craft during other seasons. These locations must be designated by special regulations for each park area. Currently, 18 park areas have existing snowmobile regulations. Proposed regulations have been published for six additional park areas. These proposed regulations are expected to be published as final rules within the next 60 days. Special snowmobile regulations are being proposed in this rulemaking for Sequoia and Kings Canyon National Parks.

These proposed special regulations also authorize recreational fishing methods that are prohibited by the general regulations in certain park areas. In order to relax restrictions on fresh water recreational fishing, the proposed regulations apply fishing methods that are permitted under State laws, as appropriate.

Although not proposed for change, public inquiries have indicated to the National Park Service that the phrase "under the legislative jurisdiction of the United States" needs to be clarified. The general regulations use this phrase to describe park areas where States have given the Federal Government exclusive or concurrent law enforcement authority. In the context of these regulations, this phrase applies only to areas administered by the National Park Service. Areas administered by other Federal agencies are not covered.

#### Section-by-Section Analysis

##### Part 1

##### Section 1.4 Definitions.

The definition of the term "operator" in the final rule was narrower than was intended, in that it would apply only to a person in charge of a vehicle, not any other type of equipment. This definition is being revised to correct this error, by including those persons in charge of all

types of mechanical modes of transportation and other mechanical equipment, such as power saws, generators, etc.

The definition of "unloaded" also is proposed for change. In the final rule, an unloaded firearm is defined as on with "no unexpended shell, cartridge or projectile in the chamber or magazine . . ." The Department believes that the requirement that no unexpended shell, cartridge or projectile be in the magazine is more restrictive than necessary to accomplish public safety objectives. Accordingly, it is proposed to delete the reference to the "magazine" from the definition. It should be noted that this provision is subject to applicable State and local law, which may be more restrictive.

In addition, it is proposed to delete the definition of "livestock." As published in the final regulation, that term is limited to "domesticated animals that are personal property kept for commercial purposes." Because this definition could be interpreted to include animals that are not intended to be covered by § 2.60 (Livestock and Grazing), it is proposed to delete the term from § 1.4. The term "livestock" has a generally accepted meaning and need not be clarified in these regulations.

##### Section 1.8 Information Collection.

The final rule omitted reference to a section of the general regulations that authorizes a permit requirement and for which the Office of Management and Budget has approved information collection requirements. The omitted section, number § 1.5, authorizes the use of permit, registration, or reservation systems to implement a public use limit. The proposed change corrects this error by adding this section number to others listed in the final rule.

##### Part 2

##### Section 2.2 Wildlife Protection.

Upon review of the final regulations, the Service has determined that paragraph (a)(4) is unnecessary and confusing. This paragraph prohibited discharging a weapon, except for the purpose of taking wildlife where hunting is allowed. The intent of this restriction was to prevent random firearm discharges, which pose a threat both to people as well as to resources. As a control on firearms use, this restriction would more logically be placed in § 2.4, which deals with weapons. However, since (a) of § 2.4 already limits the discharge of weapons to those situations involving authorized hunting activities, there is no need to retain paragraph (a)(4) of the wildlife section.

A provision has been added to (b)(3) on trapping that will have the effect of delaying the effective date of this paragraph for the following 11 park areas:

Assateague Island National Seashore  
Bighorn Canyon National Recreation Area  
Buffalo National River  
Cape Cod National Seashore  
Delaware Water Gap National Recreation Area  
John D. Rockefeller, Jr. Memorial Parkway  
New River Gorge National River  
Ozark National Scenic Riverways  
Pictured Rocks National Lakeshore  
Saint Croix National Scenic Riverway  
Sleeping Bear Dunes National Lakeshore

Although trapping is not specifically authorized by Federal law in these areas, it was being practiced in them well before they were set aside as national park areas. Application of the regulation without this proposed amendment would require the immediate cessation of trapping in these park areas, thereby creating a hardship for established commercial trappers. The possibility exists that legislative proposals will be introduced specifically to authorize trapping in some or all of these areas. In order to avoid unnecessary hardship on affected persons and to allow Congress to consider legislation addressing this issue, the National Park Service is proposing to delay application of this subparagraph to these 11 areas through January 15, 1985. At the end of that time, trapping will be prohibited in park areas where authorizing legislation has not been enacted.

#### Section 2.4 Weapons, traps and nets.

Changes are proposed to § 2.4(a) of the final rule in order to distinguish the circumstances in which weapons, traps and nets may be possessed, carried and used, modify the restriction on the possession of weapons in residential dwellings, and make technical adjustments.

Section 2.4(a)(1) of the final rule included weapons, traps and nets in a single category and prohibited possessing, carrying, using or discharging them, except at designated times and locations in park areas where hunting, fishing or trapping are authorized by law and when actually used in the taking of fish or wildlife under § 2.2 or § 2.3. In the proposed rule, the provisions that apply to weapons, traps and nets are separated to achieve the following purposes:

(1) To delete the term "discharge" from the regulations applying to the use of traps and nets.

(2) To clarify that traps may be possessed, carried or used only when

actually utilized for the taking of wildlife in accordance with § 2.2 (Wildlife Protection). Under § 2.2, trapping is allowed only in park areas where such activity is authorized expressly by Federal statutory law. The definition of "trap" in § 1.4 of the final regulations limits the term to devices designed to entrap or kill animals other than fish. For this reason, the use of traps cannot be covered by § 2.3 (Fishing).

(3) To clarify that nets may be possessed, carried or used only when actually utilized for the taking of fish in accordance with § 2.3. The definition of "net" in § 1.4 of the final regulations limits the term to implements designed to entrap fish. For this reason, the use of nets cannot be covered by § 2.2

(4) To clarify that weapons may be possessed, carried, used or discharged in the following circumstances:

(a) When actually utilized for taking wildlife under § 2.2. Under this provision, discharge for the purpose of emptying a muzzle loading weapon that has been used for hunting purposes is authorized.

(b) When actually utilized for taking fish under § 2.3. This provision is necessary to cover spearguns, which are included in the § 1.4 definition of weapons and are used for fishing.

(c) When used for target practice, at times and locations designated by the superintendent in park areas where hunting is authorized expressly by Federal statutory law. This provision is intended to authorize "plinking," sighting in weapons, and other discharges directed at objects that have been set up for use as targets. The random discharge of weapons is not authorized. Under this provision, the superintendent may designate target ranges or facilities as the only locations at which this activity may be conducted. However, if consistent with public safety and resource protection, the superintendent may designate an entire park area, or portions thereof, as open to this activity.

Time and location designations and other controls will be established in accordance with § 1.5 of the final regulations. If time and location designations are not established, weapons may be possessed, carried, used or discharged only for purposes of taking wildlife or fish in accordance with § 2.2 or § 2.3.

Section 2.4(a)(2)(i) of the final rule authorizes the possession of unloaded weapons, traps and nets within residential dwellings. After reconsideration of this matter, the National Park Service has determined that it is reasonable to change this

authorization so that weapons, whether loaded or unloaded, may be kept in residential dwellings. The authorization will apply to those who live on federally owned land and to those who live on privately owned land located in areas that are under the legislative jurisdiction of the United States.

It should be noted that paragraph (f) of this section prohibits possession of weapons in violation of Federal and State laws. Accordingly, this authorization must be subject to applicable laws.

It is neither the intention of this amendment to permit the possession of loaded weapons in temporary lodgings such as motel rooms, boats, or camping vehicles, nor to limit the authority of park contractors or concessioners administratively to restrict weapons possession in quarters which they assign to their employees. To clarify this authorization, the proposed amendment includes a definition of the term "residential dwelling." Comments are requested on the suitability of this definition and on any possible revisions that could make it more specific.

An additional change in this section is being proposed to correct an error in paragraph (b). The original proposed regulation authorized the possession of a loaded weapon in vessels not underway *and* used as a shooting platform in authorized hunting activities. However, the final rule authorizes possession of loaded weapons on vessels not underway *or* used as a shooting platform. This was not the intent of the regulation, which was included only to permit legitimate hunting practices which prevail in certain locations. There was no intent to permit the possession of load weapons in all vessels which are docked, anchored, or otherwise not underway. The proposed revision would authorize loaded weapons only for those situations in which an anchored, beached, or drifting boat can, under State and Federal law, be used as a platform from which a hunter can shoot.

Finally, it is proposed to delete the phrase "rendered inoperable" from § 2.4(a)(2)(ii). In the June 30, 1983 final regulation, unloaded weapons are permitted within a temporary lodging or mechanical mode of conveyance when "rendered inoperable or packed, cased or stored in a manner that will prevent their ready use." The purpose of this provision is to allow the possession of weapons that are unloaded and stored properly, even though the weapon will not be used during the visit to a park area. This objective can be achieved by requiring that weapons be unloaded and

"packed, cased or stored in a manner that will prevent their ready use." The term "rendered inoperable" created confusion without adding needed flexibility to the provision.

#### Part 7

#### Special Regulations

In this portion of the Analysis, proposed regulations are grouped by the subjects with which they deal, rather than by park area. Since the proposed regulations on each subject are similar for each park area, the discussion can be simplified by this arrangement.

#### Hunting

As described in the background material above, the new final rule, in § 2.2(b)(2), provides that in park areas where hunting may be allowed, special regulations will be required to implement hunting. This provision is intended to ensure that there is adequate opportunity for public review of proposed hunting in those situations where the Service has statutory discretion rather than a statutory requirement to permit this activity. The only park area with enabling legislation of this nature now having special regulations to govern hunting is Padre Island National Seashore (§ 7.75).

The authority to permit hunting at Cape Cod National Seashore is specifically set out in the legislation that established the Seashore [16 U.S.C. 459-6(c)]. The four other areas for which hunting regulations are being proposed—the Amistad, Coulee Dam, Curecanti and Lake Meredith Recreation Areas—have not been established specifically by legislation but are managed on the basis of cooperative agreements between the National Park Service and other Federal agencies. Hunting is consistent with these agreements and federal laws generally applicable to the management of public lands. It is proposed that hunting be allowed, subject to applicable Federal and State laws and any special restrictions that may be necessary to ensure public safety and protect resources. Under the proposed § 2.4(a)(3), persons would be allowed to possess, carry, use or discharge weapons in these areas for target practice at designated times and locations.

The regulations being proposed are similar in that they authorize the superintendents to designate appropriate locations where hunting is allowed, in accordance with all applicable Federal and State laws and the general regulations on wildlife protection and weapons. Locations

available for hunting will be designated according to the procedures and requirements established by § 1.5 of the general regulations. Superintendents will have the authority to impose reasonable limits or restrictions necessary to address public safety, resource protection, and visitor use concerns. Permits may also be required if necessary to control hunting authorized by these special regulations. Limitations on hunting that may be imposed through the designation process must be made known to the public through appropriate notice procedures set forth in § 1.7. Section 2.2(c) of the general regulations requires that, except in emergencies, the superintendent will consult with appropriate State authorities prior to using the designation authority to restrict hunting or to impose a hunting closure.

In all five of the park areas where special hunting regulations are being proposed, hunting was practiced before the National Park Service assumed management responsibility. Planning documents for these areas have received extensive public review. The documents included hunting as an approved visitor activity. Hunting is managed jointly by the State and the National Park Service and has no known adverse resource impacts. It is not anticipated that implementation of these regulations will result in any significant change in the manner in which hunting is conducted in these areas.

#### Trapping

The two areas for which trapping regulations are being proposed are managed on the basis of cooperative agreements between the National Park Service and other Federal agencies. Trapping is consistent with these agreements and federal laws generally applicable to the management of public lands. In the Curecanti and Lake Meredith Recreation Areas, trapping predates National Park Service management. No trapping has occurred at Coulee Dam Recreation Area or Amistad Recreation Area. It is estimated that approximately 30 to 35 trappers are involved at Curecanti Recreation Area and 25 at Lake Meredith Recreation Area. It is proposed that trapping be allowed, subject to applicable Federal and State laws and any special restrictions that may be necessary to ensure public safety and protect resources.

For both areas, the regulations being proposed are identical. They authorize the superintendents to designate appropriate locations where trapping is allowed in accordance with all applicable Federal and State laws and the general regulations on wildlife

protection and weapons. Locations available for trapping will be designated according to the procedures and requirements established by § 1.5 of the general regulations. This requires consideration of a wide range of public safety, resource protection, and visitor use concerns. In addition to designation of locations, superintendents will have the authority to impose limits or restrictions necessary to address visitor use concerns. Limitations on trapping that may be imposed through the designation process must be made known to the public through appropriate notice procedures set forth in § 1.7. Section 2.2(c) of the general regulations requires that, except in emergencies, the superintendent will consult with appropriate State authorities prior to using the designation authority to restrict trapping or impose a trapping closure. Trapping in both of these areas is managed jointly by the States and the National Park Service. It is not anticipated that implementation of these regulations will result in a significant change in the manner in which trapping is conducted in these areas.

#### Aircraft Use

National Park Service regulations apply to the operation of aircraft while on the lands or waters of national park areas. The Federal Aviation Administration has authority over airborne craft. Provisions of the new general regulations relating to aircraft are based on the premise that such equipment may intrude on the park experience. Section 2.17(a) limits aircraft use to locations that have been designated pursuant to special regulations for a park area. The section prohibits air delivery of persons or objects, unless a permit has been issued. The definition of aircraft contained in § 1.4 is very broad. It includes any device used or intended to be used for human flight in the air. In addition to conventional airplanes and helicopters, this term includes hot air or gas balloons, gliders, ultralight aircraft, and hang gliders.

In 1976, the National Park Service implemented a new general regulation to control the then new sport of hang gliding and other forms of powerless flight.

The 1976 regulation set out detailed criteria to determine whether such activities were to be allowed in park areas and, if allowed, how they would be managed. In most circumstances, permits were required. Participant's qualifications were considered as permits were issued. Within the control framework established by this

regulation, hang gliding has been taking place in a number of park areas. The activity has posed no serious problems. In most cases, levels of use are not high and conflicts with other visitor activities or adverse resource impacts are infrequent.

The Service has determined that the detailed requirements of the existing powerless flight regulation need not be retained in the new regulations. By treating these devices as aircraft and requiring special regulations to authorize their use, public review of a proposal is ensured, while other provisions of the general regulations, particularly § 1.5 and § 1.6, provide a framework for any necessary controls on the activity.

The regulations being proposed for 11 park areas authorize superintendents to allow powerless flight activities, subject to certain controls. In eight of these areas, identical special regulations authorize the superintendent to designate locations for powerless flight and require permits for such use. For another, Golden Gate National Recreation Area, although flights are restricted to designated locations, no permit requirement is included. Two reservoir recreation areas, Lake Mead National Recreation Area and Lake Meredith Recreation Area, are proposing regulations that permit powerless flight in any location except those specifically closed to this activity. For Lake Meredith, the superintendent also is given discretionary authority to impose a permit requirement.

Locations for use by hang gliders and other powerless flight vehicles will be designated in accordance with the criteria and requirements of § 1.5. These locations will be places within a park area where participants either take off or land. Restrictions on numbers of flights, types of equipment, authorized flight times, and other controls can be established by the superintendent through the designation process and through permit requirements. As with other permit requirements in National Park Service regulations, permits for powerless flight will be established and issued according to the requirements of § 1.6.

Regulations are being proposed to authorize operating sites for all types of aircraft in six park areas. At Channel Islands National Park, the sites involved are two existing airstrips on San Miguel Island. These airstrips are already used by aircraft of Federal agencies on official business. Their formal designation by regulation is intended to allow the superintendent to permit, on a limited scale, use of these sites by a park concessioner or by other parties

requiring access to the island. The permit requirement in the regulation is to be administered in accordance with § 1.6. The two airstrips to be authorized at Death Valley National Monument and the single strip at Cape Lookout National Seashore have been in use for a number of years.

Aircraft will be authorized to operate on the water surfaces of Ross Lake National Recreation Area and Lake Chelan National Recreation Area, subject to the restrictions of § 2.17(a)(2). In addition, the Stehekin landing field operated by the Washington State Aeronautics Commission within Lake Chelan National Recreation Area is being designated for aircraft operation. Although aircraft use of these locations is a longstanding practice, it was not authorized by special regulations previously. Float planes also have been landing on Lake Roosevelt in Coulee Dam Recreation Area. The landing site within Coulee Dam Recreation Area is limited specifically to the non-Indian zone side of the Lake.

The Pearce Ferry landing strip within Lake Mead National Recreation Area has been designated by special regulation in the past. The special regulation was deleted several years ago. It now has been determined appropriate to reauthorize this site as one of four designated landing strips at Lake Mead.

#### Snowmobiles

This proposal includes regulations to authorize use of snowmobiles within Sequoia and Kings Canyon National Parks. The authorization is being proposed only to provide a means of access to private property that is within the boundaries of these park areas. Permits will be required and will be issued only to owners of such property. Only routes which serve as a means of access to these properties are being proposed to be opened to snowmobile use. Within the Wilsonia area, the designation of routes applies only to Federally-owned lands. It is not the intent of this regulation to require private landowners to allow snowmobile use on their property. As with other permit requirements contained in the general and special regulations of the National Park Service, permits for snowmobile use authorized by this regulation will be administered under the requirements of § 1.6 of the general regulations.

As discussed in the background statement above, 18 park areas currently have snowmobile regulations in effect. In addition, regulations already have been proposed to designate routes and to provide other conditions for the

operation of snowmobiles in the following park areas:

Black Canyon of the Gunnison National Monument (48 FR 32365)  
Cedar Breaks National Monument (47 FR 38165)  
Dinosaur National Monument (48 FR 19185)  
Rocky Mountain National Park (48 FR 27553)  
Theodore Roosevelt National Park (48 FR 32366)  
Zion National Park (48 FR 32367)

The reference to the **Federal Register** listed for each of the park areas above indicates the notice of proposed rulemaking for snowmobile regulations. The National Park Service expects that final rules for each of these areas will be published within the next 60 days and that they will take effect at approximately the same time as will the new general regulations. With publication of these rules and the addition of the regulation for Sequoia and Kings Canyon National Parks proposed here, regulations will authorize the operation of snowmobiles in 25 park areas.

#### Fishing

The new general regulation governing fishing in park areas specifies the manner in which fishing can take place in fresh waters. Fishing must only be done through the use of a closely attended hook and line. The use of live bait is restricted; and chumming is prohibited. The purpose of these provisions is to ensure that fishing in park waters remains a sport and that resources are not adversely affected by the introduction of nonnative species. Where such restrictions are found to be unnecessary in order to accomplish Service management objectives, relief can be granted through the use of special regulations.

It is the policy of the National Park Service to manage fishing in park areas in a manner consistent with State fishing laws, to the extent compatible with proper management of park resources. In many cases, States permit the use of fishing methods that vary from the standards established by the general regulations. For several park areas where this is the case, the National Park Service has determined that allowing recreational fishing in accordance with all methods permitted by the State would be advantageous both to visitor use as well as to management of park resources. These situations include cases where non-native species have become well established and it is impractical to consider eradication in favor of native species. In addition, species taken by methods such as gigs or trot lines often

are those not sought after by those sport fishing with rods or which are species competing with more desirable fish. Commercial fishing methods allowed under State law are *not* included within the scope of this authorization.

The special regulations being proposed for Amistad Recreation Area, Apostle Islands National Lakeshore, Chickasaw Recreation Area, Grand Portage National Monument, Jean Lafitte National Historical Park, Indiana Dunes National Lakeshore, Lake Mead National Recreation Area, Lake Meredith Recreation Area, Pictured Rocks National Lakeshore, Sleeping Bear Dunes National Lakeshore, St. Croix National Scenic Riverway, Ozark National Scenic Riverways, and Voyageurs National Park will provide that recreational fishing can take place in any manner authorized under applicable State law. The regulations provide, however, that superintendents may, through the designation process, restrict these fishing methods. Such restrictions might be applied to specific locations within a park area or might deal with a fishing method which is found to be incompatible with management objectives for the park area.

As defined in the general regulations, fishing in park areas includes only the taking of animals normally thought of as fish and, in salt waters, the taking of mollusks and crustaceans. The taking of other wildlife is not authorized by the fishing regulation. It is *not* the intent of these proposed special regulations to authorize the taking of other types of aquatic wildlife, even though a State may choose to regulate taking of non-fish species under its fishing laws. Thus, reptiles, amphibians, and mammals may not be taken under the broadened fishing authority granted by these special regulations. In one of the regulations, however, specific authority is given to take freshwater crayfish within Jean Lafitte National Historical Park, subject to other National Park Service regulations and State law. This is a traditional activity in the affected area, and Service findings indicate that no adverse resource effects can be expected.

A special regulation is being proposed for Ozark National Scenic Riverways to authorize the superintendent to designate locations in which bait may be dug. This is not intended to authorize bait digging which is commercial in nature. Digging for bait for recreational fishing only would be authorized. Another special regulation being proposed for Ozark National Scenic Riverways would authorize the

superintendent to designate locations in which frog gigging is allowed. This activity is consistent with state law. Further, it is a traditional use of area resources. The National Park Service anticipates no detrimental effects from continued frog gigging.

#### Public Participation

Active public participation in the development of these regulations is encouraged. Interested persons may submit written comments, suggestions or objections about the proposed regulations to the address noted at the beginning of this rulemaking. To aid the National Park Service in the review and analysis of public comments, persons who comment should address each regulation separately, preferably in a separate paragraph. Draft or revised regulatory language is specifically requested in instances where the proposed regulation is judged to be inadequate.

#### Drafting Information

The primary author of these regulations is Carl Christensen, Gulf Islands National Seashore, while on detail to the Washington Office of the National Park Service.

#### Paperwork Reduction Act

This rulemaking adds no information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* In 36 CFR 1.8, the list of information requirements for which approval has already been obtained is merely being corrected in this rule to include a section inadvertently deleted from the final rule (48 FR 30252).

#### Compliance With Other Laws

As required by the National Environmental Policy Act (42 U.S.C. 4332, *et seq.*), the Service has prepared environmental assessments on those portions of this rulemaking which are other than correcting or clarifying in nature. Copies of these assessments are available at the address noted at the beginning of the rule or at the individual parks affected.

The Service has determined that this rulemaking is not a "major rule" within the meaning of Executive Order 12291 (46 FR 13193, February 19, 1981). In accordance with the Regulatory Flexibility Act (94 Stat. 1164, 5 U.S.C. 601, *et seq.*), the Service has determined that the regulations proposed in this rulemaking will not have a significant economic effect on a substantial number of small entities, nor does it require the preparation of a regulatory analysis. The Service makes this finding because the

proposed regulations will impose no significant costs on any class or group of small entities. Small businesses will generally benefit from these regulations because they will allow the continuation of existing activities within a number of park areas.

#### List of Subjects

##### 36 CFR Part 1

National parks, Penalties.

##### 36 CFR Part 2

National parks, Signs and symbols.

##### 36 CFR Part 7

National parks.

#### Authority

The Service's authority for promulgating these regulations is 16 U.S.C. 1 and 3 and statutes relating to specific park areas.

In consideration of the foregoing, it is proposed to amend 36 CFR Chapter I as follows:

#### PART 1—GENERAL PROVISIONS

1. Amend § 1.4 by removing the definition of "livestock" and revising the definitions of "operator" and "unloaded" as follows:

##### § 1.4 Definitions.

(a) \* \* \*

\* \* \* \* \*

"Operator" means a person who operates, drives, controls, or otherwise has charge of a mechanical mode of transportation or any other mechanical equipment.

\* \* \* \* \*

"Unloaded," as applied to weapons and firearms, means that: (1) There is no unexpended shell, cartridge, or projectile in the chamber of a firearm; (2) a muzzle-loading weapon does not contain gun powder in the pan, or the percussion cap is not in place; and (3) bows, crossbows, spear guns or any implement capable of discharging a missile or similar device by means of a loading or discharging mechanism, when that loading or discharging mechanism is not charged or drawn.

\* \* \* \* \*

2. Revise § 1.8 as follows:

##### § 1.8 Information collection.

The information collection requirements contained in §§ 1.5, 2.4, 2.5, 2.10, 2.12, 2.17, 2.33, 2.38, 2.50, 2.51, 2.52, 2.60, 2.61, 2.62, 3.3 and 3.4 have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*, and assigned clearance number 1024-0026. This information is



being collected to solicit information necessary for the superintendent to issue permits and other benefits, and to gather information. This information will be used to grant administrative benefits. In all sections except §§ 2.33 and 3.4, the obligation to respond is required to obtain a benefit. In §§ 2.33 and 3.4, the obligation to respond is mandatory.

## PART 2—RESOURCE PROTECTION, PUBLIC USE AND RECREATION

### § 2.2 Wildlife protection.

3. a. In § 2.2 remove paragraph (a)(4).  
b. Revise paragraph (b)(3) as follows:

(b) *Hunting and trapping.*

(3) Trapping shall be allowed in park areas where such activity is specifically authorized by Federal statutory law: *Provided, however,* That trapping shall continue until January 15, 1985 in the following park areas:

Assateague Island National Seashore  
Bighorn Canyon National Recreation Area  
Buffalo National River  
Cape Cod National Seashore  
Delaware Water Gap National Recreation Area  
John D. Rockefeller, Jr. Memorial Parkway  
New River Gorge National River  
Ozark National Scenic Riverways  
Pictured Rocks National Lakeshore  
Saint Croix National Scenic Riverway  
Sleeping Bear Dunes National Lakeshore

4. In § 2.4 revise paragraphs (a) and (b) as follows:

### § 2.4 Weapons, traps and nets.

(a) Possessing, carrying, using or discharging a weapon, trap or net is prohibited: *Provided, however,*

(1) Traps may be possessed, carried or used only for purposes of taking wildlife in accordance with § 2.2 of this chapter;

(2) Nets may be possessed, carried or used only for purposes of taking fish in accordance with § 2.3 of this chapter;

(3) Weapons may be possessed, carried, used or discharged only:

(i) For purposes of taking wildlife or fish in accordance with § 2.2 or § 2.3 of this chapter; or

(ii) When used for target practice at designated times and locations in park areas where hunting is authorized in accordance with § 2.2 of this chapter.

(4) Weapons, traps and nets may be possessed within a residential dwelling. For purposes of this subparagraph, the term "residential dwelling" means a fixed housing structure which is either the principal residence of its occupants, or is occupied on a regular and recurring basis by its occupants as an alternate residence or vacation home.

(5) Traps, nets and unloaded weapons may be possessed within a temporary lodging or mechanical mode of conveyance when such implements are packed, cased or stored in a manner that will prevent their ready use.

(b) Carrying or possessing a loaded weapon in a motor vehicle, vessel or other mode of transportation is prohibited, except that carrying or possessing a loaded weapon in a vessel is allowed when such vessel is not being propelled by machinery and is used as a shooting platform in accordance with Federal and State law.

## PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

5. In § 7.8 add a new paragraph (e) as follows:

### § 7.8 Sequoia and Kings Canyon National Parks.

(e) *Snowmobiles.* (1) The use of snowmobiles is allowed on the unplowed roads of Wilsonia, the Wilsonia parking lot, and the Mineral King road.

(2) Snowmobile use will be limited to providing access to private property within the exterior boundaries of the park area, pursuant to the terms and conditions of a permit issued only to owners of such private property.

6. In § 7.9 add a new paragraph (c) as follows:

### § 7.9 St. Croix National Scenic Rivers.

(c) *Fishing.* Unless otherwise designated, fishing in any manner authorized under applicable State law is allowed.

7. In § 7.15 add a new paragraph (c) as follows:

### § 7.15 Shenandoah National Park.

(c) *Powerless flight.* The use of devices designed to carry persons or objects through the air in powerless flight is allowed at locations designated by the superintendent, pursuant to the terms and conditions of a permit.

8. In § 7.16 add a new paragraph (e) as follows:

### § 7.16 Yosemite National Park.

(c) *Powerless flight.* The use of devices designed to carry persons or objects through the air in powerless flight is allowed at locations designated

by the superintendent, pursuant to the terms and conditions of a permit.

9. In § 7.26 add a new paragraph (c) as follows:

### § 7.26 Death Valley National Monument.

(e) *Aircraft.* The following are designated as locations where the operation of aircraft is allowed:

- (1) Death Valley Airport, latitude 36°27'50"N., longitude 116°52'50" W.  
(2) Stovepipe Wells Airport, latitude 36°36'15" N., longitude 117°09'30" W.

10. In § 7.32 add a new paragraph (b) as follows:

### § 7.32 Pictured Rocks National Lakeshore.

(b) *Fishing.* Unless otherwise designated, fishing in any manner authorized under applicable State law is allowed.

11. Add a new § 7.33 as follows:

### § 7.33 Voyageurs National Park.

(b) *Fishing.* Unless otherwise designated, fishing in any manner authorized under applicable State law is allowed.

(b) [Reserved]

12. In § 7.34 add a new paragraph (c) as follows:

### § 7.34 Blue Ridge Parkway.

(c) *Powerless flight.* The use of devices designed to carry persons or objects through the air in powerless flight is allowed at locations designated by the superintendent, pursuant to the terms and conditions of a permit.

13. Add a new § 7.37 as follows:

### § 7.37 Jean Lafitte National Historical Park.

(a) *Fishing.* (1) Unless otherwise designated, fishing in any manner authorized under applicable State law is allowed.

(2) The taking of freshwater crayfish under applicable State law is allowed

(b) [Reserved]

14. In § 7.48 add new paragraphs (a)(3) (b) and (e) as follows:

### § 7.48 Lake Mead National Recreation Area.

(a) *Aircraft, designated airstrips.*

(3) Pearce Ferry landing strip, located at approximate latitude 30°04'37" N., approximate longitude 114°02'44" W.

(b) *Powerless flight.* The use of devices designed to carry persons or objects through the air in powerless flight is allowed except in harbors, swim beaches, developed areas, and other congested areas, or in other locations designated as closed to this activity.

\* \* \* \* \*

(e) *Fishing.* Unless otherwise designated, fishing in any manner authorized under applicable State law is allowed.

15. Add a new § 7.50 as follows:

**§ 7.50 Chickasaw Recreation Area.**

(a) *Fishing.* Unless otherwise designated, fishing in any manner authorized under applicable State law is allowed on Arbuckle Reservoir and Veterans Lake.

(b) [Reserved]

16. Add a new § 7.51 (a) and (b) as follows [Section 7.51(c) was proposed at 48 FR 52485, Nov. 18, 1983]:

**§ 7.51 Curecanti Recreation Area.**

(a) *Hunting.* Hunting is allowed in locations designated as open for hunting.

(b) *Trapping.* Trapping is allowed in locations designated as open for trapping.

17. Add a new § 7.55 as follows:

**§ 7.55 Coulee Dam Recreation Area.**

(a) *Hunting.* Hunting is allowed in locations designated as open for hunting.

(b) *Aircraft.* Float planes may be operated on Lake Roosevelt on those waters not administered by Indians as part of the Indian Zone, *i.e.*, mid-channel to the shore of the non-Indian side of the Lake. A map showing the waters where aircraft may be operated will be available in the office of the superintendent.

18. In § 7.57 add new paragraph (d), (e), (f), and (g) as follows:

**§ 7.57 Lake Meredith Recreation Area.**

\* \* \* \* \*

(d) *Powerless flight.* The use of devices designed to carry person or objects through the air in powerless flight is allowed except in locations designated as closed to this activity. The superintendent may designate locations where such activity is allowed only under the terms and conditions of a permit.

(e) *Fishing.* Unless otherwise designated, fishing in any manner authorized under applicable State law is allowed.

(f) *Hunting.* Hunting is allowed in locations designated as open for hunting.

(g) *Trapping.* Trapping is allowed in locations designated as open for trapping.

19. In § 7.59 add a new paragraph (b) as follows:

**§ 7.59 Grand Portage National Monument.**

\* \* \* \* \*

(b) *Fishing.* Unless otherwise designated, fishing in any manner authorized under applicable State law is allowed.

20. Add a new § 7.62 as follows:

**§ 7.62 Lake Chelan National Recreation Area.**

(a) [Reserved]

(b) *Aircraft.* The following are designated as locations where the operation of aircraft is allowed:

(1) The entire water surface of Lake Chelan.

(2) The Stehekin landing field, located at approximate latitude 48°21' N, approximately longitude 120° 43' W.

21. In § 7.67 add a new paragraph (i) as follows:

**§ 7.67 Cape Cod National Seashore.**

\* \* \* \* \*

(i) *Hunting.* (1) Hunting is allowed in locations designated as open for hunting.

(2) Only deer, upland game, and migratory waterfowl may be hunted.

(3) Hunting is prohibited from March 1 through August 31 of each year.

22. Add a new § 7.69 as follows:

**§ 7.69 Ross Lake National Recreation Area.**

(a) [Reserved]

(b) *Aircraft.* The operation of aircraft is allowed on the entire water surface of Ross Lake and Diablo Lake.

23. In § 7.71 add a new paragraph (f) as follows:

**§ 7.71 Delaware Water Gap National Recreation Area.**

\* \* \* \* \*

(e) *Powerless flight.* The use of devices designed to carry persons or objects through the air in powerless flight is allowed at locations designated by the superintendent, pursuant to the terms and conditions of a permit.

\* \* \* \* \*

24. In § 7.79 add new paragraphs (a) and (b) as follows:

**§ 7.79 Amistad Recreation Area.**

(a) *Hunting.* (1) Hunting is allowed in locations designated as open for hunting.

(2) The hunting season and species allowed to be taken will be designated on an annual basis by the superintendent.

(3) Deer, javalina, and turkey may be taken only by long bow and arrow. Water fowl and game birds may be taken only by shotguns and bird shot. The use of all other weapons for hunting is prohibited.

(b) *Fishing.* Unless otherwise designated, fishing in any manner authorized under applicable State law is allowed.

\* \* \* \* \*

25. Add a new § 7.80 as follows:

**§ 7.80 Sleeping Bear Dunes National Lakeshore.**

(a) *Powerless flight.* The Use of devices designed to carry persons or objects through the air in powerless flight is allowed at locations designated by the superintendent, pursuant to the terms and conditions of a permit.

(b) *Fishing.* Unless otherwise designated, fishing in any manner authorized under applicable State law is allowed.

26. Add a new § 7.81 as follows:

**§ 7.81 Point Reyes National Seashore.**

(a) *Powerless flight.* The use of devices designed to carry persons or objects through the air in powerless flight is allowed at locations designated by the superintendent, pursuant to the terms and conditions of a permit.

27. Add a new § 7.82 as follows:

**§ 7.82 Apostle Islands National Lakeshore.**

(a) *Fishing.* Unless otherwise designated, fishing in any manner authorized under applicable State law is allowed.

28. Add a new § 7.83(c) and (d) as follows:

**§ 7.83 Ozark National Scenic Riverways.**

\* \* \* \* \*

(c) *Fishing.* (1) Unless otherwise designated, fishing in any manner authorized under applicable State law is allowed.

(2) The superintendent may designate locations in which the digging of bait is allowed.

(d) *Frogging.* The superintendent may designate locations in which the digging of frogs is allowed.

29. In § 7.84 add a new paragraph (a) as follows:



**§ 7.84 Channel Islands National Park.**

(a) *Aircraft.* (1) The following are designated as locations where the operation of aircraft is allowed:

(i) Lester Ranch Airstrip, San Miguel Island, approximate latitude 34°02' N., approximate longitude 120°21' W.

(ii) Dry Lake Bed Airstrip, San Miguel Island, approximate latitude 34°02' N., approximate longitude 120°25' W.

(2) Operation of aircraft at designated locations shall be pursuant to the terms and conditions of a permit.

\* \* \* \* \*

30. Add a new § 7.88 as follows:

**§ 7.88 Indiana Dunes National Lakeshore.**

(a) *Fishing.* (1) Unless otherwise designated, fishing in any manner authorized under applicable State law is allowed.

(b) *Powerless flight.* The use of devices to carry persons or objects through the air in powerless flight is allowed at locations designated by the superintendent, pursuant to the terms and conditions of a permit.

31. In § 7.91 add a new paragraph (c) as follows:

**§ 7.91 Whiskeytown Unit, Whiskeytown-Shasta-Trinity National Recreation Area.**

\* \* \* \* \*

(c) *Powerless flight.* The use of devices designed to carry persons or objects through the air in powerless flight is allowed at locations designated by the superintendent, pursuant to the terms and conditions of a permit.

\* \* \* \* \*

32. In § 7.97 add a new paragraph (c) as follows:

**§ 7.97 Golden Gate National Recreation Area.**

\* \* \* \* \*

(c) *Powerless flight.* The use of devices designed to carry persons or objects through the air in powerless flight is allowed at locations designated by the superintendent.

\* \* \* \* \*

33. Add a new § 7.98 as follows:

**§ 7.98 Cape Lookout National Seashore.**

(a) *Aircraft.* The operation of aircraft is allowed at the Portsmouth Village Airstrip, latitude 35°04'06" N, longitude 76°08'30" W.

(b) [Reserved]

(16 U.S.C. 1, 3)

Dated: December 2, 1983.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 83-34135 Filed 12-23-83; 8:45 am]

BILLING CODE 4310-70-M

**POSTAL SERVICE****39 CFR Part 10****Proposed International Express Mail Service to West Germany and Uruguay**

**AGENCY:** Postal Service.

**ACTION:** Proposed rule.

**SUMMARY:** Pursuant to agreements with the postal administrations of West Germany and Uruguay, the Postal Service proposes to begin International Express Mail Service with West Germany and Uruguay at postage rates indicated in the tables below. The proposed services are scheduled to begin on March 1, 1984.

**DATE:** Comments must be received on or before January 25, 1984.

**ADDRESS:** Written comments should be directed to the General Manager, Rate Development Division, Office of Rates, Rates and Classification Department, U.S. Postal Service, Washington, DC 20260-5350. Copies of all written comments will be available for public inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, in room 8620, 475 L'Enfant Plaza West, SW., Washington, DC 20260-5350.

**FOR FURTHER INFORMATION CONTACT:** Leon W. Perlinn, (202) 245-4414.

**SUPPLEMENTARY INFORMATION:** The International Mail Manual is incorporated by reference in the Federal Register, 39 CFR 10.1. Additions to the manual concerning the proposed new services, including the rate tables reproduced below, will be made in due course. Accordingly, although 39 U.S.C. 407 does not require advance notice and the opportunity for submission of comments on international service, and the provisions of the Administrative Procedure Act regarding proposed rulemaking (5 U.S.C. 553) do not apply (39 U.S.C. 410(a)), the Postal Service invites interested persons to submit written data, views or arguments concerning the proposed International Express Mail Service to West Germany and Uruguay at the rates indicated in the tables below.

**List of Subjects in 39 CFR Part 10**

Postal service, Foreign relations.

**WEST GERMANY, INTERNATIONAL EXPRESS MAIL—ON DEMAND SERVICE <sup>1</sup>**

| Up to and including pounds | Rate    |
|----------------------------|---------|
| 1.....                     | \$19.00 |
| 2.....                     | 21.90   |
| 3.....                     | 24.80   |
| 4.....                     | 27.70   |
| 5.....                     | 30.60   |
| 6.....                     | 33.50   |
| 7.....                     | 36.40   |

**WEST GERMANY, INTERNATIONAL EXPRESS MAIL—ON DEMAND SERVICE <sup>1</sup>—Continued**

| Up to and including pounds | Rate   |
|----------------------------|--------|
| 8.....                     | 39.30  |
| 9.....                     | 42.20  |
| 10.....                    | 45.10  |
| 11.....                    | 48.00  |
| 12.....                    | 50.90  |
| 13.....                    | 53.80  |
| 14.....                    | 56.70  |
| 15.....                    | 59.60  |
| 16.....                    | 62.50  |
| 17.....                    | 65.40  |
| 18.....                    | 68.30  |
| 19.....                    | 71.20  |
| 20.....                    | 74.10  |
| 21.....                    | 77.00  |
| 22.....                    | 79.90  |
| 23.....                    | 82.80  |
| 24.....                    | 85.70  |
| 25.....                    | 88.60  |
| 26.....                    | 91.50  |
| 27.....                    | 94.40  |
| 28.....                    | 97.30  |
| 29.....                    | 100.20 |
| 30.....                    | 103.10 |
| 31.....                    | 106.00 |
| 32.....                    | 108.90 |
| 33.....                    | 111.80 |
| 34.....                    | 114.70 |
| 35.....                    | 117.60 |
| 36.....                    | 120.50 |
| 37.....                    | 123.40 |
| 38.....                    | 126.30 |
| 39.....                    | 129.20 |
| 40.....                    | 132.10 |
| 41.....                    | 135.00 |
| 42.....                    | 137.90 |
| 43.....                    | 140.80 |
| 44.....                    | 143.70 |

<sup>1</sup> Pickup is available under a Service Agreement for an added charge of \$5.60 for each pickup stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pickup charge.

**URUGUAY, INTERNATIONAL EXPRESS MAIL**

| Custom designed service <sup>1</sup> * |         | On demand service <sup>2</sup> * |         |
|--|---------|----------------------------------|---------|
| Up to and including                    |         | Up to and including              |         |
| Pounds                                 | Rate    | Pounds                           | Rate    |
| 1.....                                 | \$28.00 | 1.....                           | \$20.00 |
| 2.....                                 | 31.70   | 2.....                           | 23.70   |
| 3.....                                 | 35.40   | 3.....                           | 27.40   |
| 4.....                                 | 39.10   | 4.....                           | 31.10   |
| 5.....                                 | 42.80   | 5.....                           | 34.80   |
| 6.....                                 | 46.50   | 6.....                           | 38.50   |
| 7.....                                 | 50.20   | 7.....                           | 42.20   |
| 8.....                                 | 53.90   | 8.....                           | 45.90   |
| 9.....                                 | 57.60   | 9.....                           | 49.60   |
| 10.....                                | 61.30   | 10.....                          | 53.30   |
| 11.....                                | 65.00   | 11.....                          | 57.00   |
| 12.....                                | 68.70   | 12.....                          | 60.70   |
| 13.....                                | 72.40   | 13.....                          | 64.40   |
| 14.....                                | 76.10   | 14.....                          | 68.10   |
| 15.....                                | 79.80   | 15.....                          | 71.80   |
| 16.....                                | 83.50   | 16.....                          | 75.50   |
| 17.....                                | 87.20   | 17.....                          | 79.20   |
| 18.....                                | 90.90   | 18.....                          | 82.90   |
| 19.....                                | 94.60   | 19.....                          | 86.60   |
| 20.....                                | 98.30   | 20.....                          | 90.30   |
| 21.....                                | 102.00  | 21.....                          | 94.00   |
| 22.....                                | 105.70  | 22.....                          | 97.70   |
| 23.....                                | 109.40  | 23.....                          | 101.40  |
| 24.....                                | 113.10  | 24.....                          | 105.10  |
| 25.....                                | 116.80  | 25.....                          | 108.80  |
| 26.....                                | 120.50  | 26.....                          | 112.50  |
| 27.....                                | 124.20  | 27.....                          | 116.20  |
| 28.....                                | 127.90  | 28.....                          | 119.90  |
| 29.....                                | 131.60  | 29.....                          | 123.60  |
| 30.....                                | 135.30  | 30.....                          | 127.30  |
| 31.....                                | 139.00  | 31.....                          | 131.00  |
| 32.....                                | 142.70  | 32.....                          | 134.70  |
| 33.....                                | 146.40  | 33.....                          | 138.40  |
| 34.....                                | 150.10  | 34.....                          | 142.10  |
| 35.....                                | 153.80  | 35.....                          | 145.80  |
| 36.....                                | 157.50  | 36.....                          | 149.50  |
| 37.....                                | 161.20  | 37.....                          | 153.20  |
| 38.....                                | 164.90  | 38.....                          | 156.90  |

URUGUAY, INTERNATIONAL EXPRESS MAIL—  
Continued

| Custom designed service <sup>1</sup> * |        | On demand service * |        |
|--|--------|---------------------|--------|
| Up to and including                    |        | Up to and including |        |
| Pounds                                 | Rate   | Pounds              | Rate   |
| 39 .....                               | 168.60 | 39 .....            | 160.60 |
| 40 .....                               | 172.30 | 40 .....            | 164.30 |
| 41 .....                               | 176.00 | 41 .....            | 168.00 |
| 42 .....                               | 179.70 | 42 .....            | 171.70 |
| 43 .....                               | 183.40 | 43 .....            | 175.40 |
| 44 .....                               | 187.10 | 44 .....            | 179.10 |

<sup>1</sup> Rates in this table are applicable to each piece of International Customs Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a designated Post Office.

\* Pickup is available under a Service Agreement for an added charge of \$5.60 for each pickup stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pickup charge.

An appropriate amendment to 39 CFR 10.3 to reflect these changes will be published when the final rule is adopted. (39 U.S.C. 401, 404, 407)

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 83-34246 Filed 12-23-83; 8:45 am]

BILLING CODE 7710-12-M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 81

[Region II Docket No. 18; A-Z-FRL-2496-4]

#### Designation of Areas for Air Quality Planning Purposes; Revisions to Section 107 Attainment Status Designations for the State of New York

**AGENCY:** Environmental Protection Agency.

**ACTION:** Proposed rule.

**SUMMARY:** This notice announces the Environmental Protection Agency's proposed approval of a request from New York State to revise the air quality designation of the Boroughs of Manhattan, Bronx, Brooklyn and Queens in New York City from "cannot be classified" to "better than national standards" for the particulate matter primary standards. Such designations are required by Section 107(d) of the Clean Air Act and may be revised at the request of a state.

**DATE:** Comments must be received on or before January 26, 1984.

**ADDRESSES:** All comments should be addressed to; Jacqueline E. Schafer, Regional Administrator, U.S. Environmental Protection Agency, Region II Office, Jacob K. Javits Federal Building, 26 Federal Plaza, New York, New York 10278.

Copies of the State's request are available for public inspection during normal business hours at:

U.S. Environmental Protection Agency, Air Programs Branch—Room 1005, Region II Office, Jacob K. Javits Federal Building, 26 Federal Plaza, New York, New York 10278; New York State Department of Environmental Conservation, Division of Air, 50 Wolf Road, Albany, New York 12233.

#### FOR FURTHER INFORMATION CONTACT:

William S. Baker, Chief, Air Programs Branch, U.S. Environmental Protection Agency, Region II Office, Jacob K. Javits Federal Building, 26 Federal Plaza, New York, New York 10278, (212) 264-2517.

**SUPPLEMENTARY INFORMATION:** Section 107(d) of the Clean Air Act directed each state to submit to the Administrator of the Environmental Protection Agency (EPA) a list of national ambient air quality standard attainment status designations for all areas within the state. EPA received such designations from the states and promulgated them on March 3, 1978 (43 FR 8962). As authorized by the Clean Air Act, these designations have been revised from time to time at a state's request.

#### State Submittal

On August 4, 1983 the New York State Department of Environmental Conservation (NYSDEC) submitted a request to revise the air quality designations of the Boroughs of Manhattan, Bronx, Brooklyn and Queens in New York City from "cannot be classified" to "better than national standards" for attainment of the particulate matter primary standards. Additional information, in support of its request, was submitted by NYSDEC on September 14, 1983. The redesignation request is based on a review of monitored air quality values between 1977 and 1982 and a modeling demonstration showing attainment of the primary annual ambient air quality standard for particulate matter.

#### EPA's Review Criteria

In reviewing redesignations, especially in the case of changes from "does not meet primary standards" to "better than national standards," EPA requires either:

- Eight quarters of air quality data showing attainment; or
- Four quarters of air quality data showing attainment in conjunction with a modeling demonstration showing that the decrease in pollutant concentrations can be attributed to implemented control strategies.

While New York has requested a redesignation from "cannot be classified," these criteria provided a reasonable test.

#### EPA's Findings and Proposed Action

Based on its review of the information submitted, EPA agrees that attainment of the primary standards for particulate matter in the aforementioned Boroughs has been demonstrated.

Annual geometric means for 1981 and 1982 are in the range of 54 to 64 micrograms per cubic meter, as compared to the standard's value of 75. The second highest measured 24-hour concentrations ranged from 94 to 126 micrograms per cubic meter, as compared to the standard's value of 260. EPA believes that these concentrations are representative of air quality in New York City, i.e., the monitors at which they were measured generally meet EPA siting requirements. Reduction in particulate matter concentrations are attributed to the replacement of older, more polluting, cars with newer ones and the conversion of many buildings in New York City from oil to less polluting gas heating.

The modeling demonstration submitted by New York further supported its finding by extrapolating monitored values for the entire New York City area. No violations were predicted by the analysis.

On this basis, EPA is proposing to approve the State's request and to redesignate the aforementioned Boroughs in New York City as meeting the primary standards for particulate matter.

EPA's proposed approval of this redesignation request is based on its meeting the requirements of Section 107 and 301 of the Clean Air Act and applicable EPA guidelines.

Interested persons are invited to comment on the subject proposal and on whether it meets Clean Air Act requirements. Comments received by January 26, 1984 will be considered in EPA's final decision. All comments received will be available for inspection at the Region II office of EPA, at 26 Federal Plaza, Room 1005, New York, New York 10278.

Under 5 U.S.C. 605(b), the Administrator has certified that redesignations do not have a significant economic impact on a substantial number of small entities. [See 46 FR 8709].

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

(Sec. 107 and 301 of the Clean Air Act, as amended [42 U.S.C. 7407 and 7601])

#### List Of Subjects In 40 CFR Part 81

Intergovernmental Relations, Air pollution control, National parks, Wilderness areas.

Dated: December 21, 1983.

Jacqueline E. Schafer,  
Regional Administrator, Environmental  
Protection Agency.

[FR Doc. 83-34225 Filed 12-23-83; 8:45 am]

BILLING CODE 6560-50-M

### LEGAL SERVICES CORPORATION

#### 45 CFR Part 1606

#### Procedures Governing Termination of Financial Assistance and Denial of Refunding; Definitions

**AGENCY:** Legal Services Corporation.

**ACTION:** Proposed rule.

**SUMMARY:** This proposed rule amends the definition of termination. It is needed to establish that certain offsets against a recipient's grant checks do not constitute a termination. Its effect would be to allow the Corporation to offset part of a recipient's monthly check or checks to recover outstanding fund balances or audit disallowances from previous years' grants.

**DATES:** Comments must be received on or before January 26, 1984.

**ADDRESS:** Comments may be submitted to Office of General Counsel, Legal Services Corporation, 733 Fifteenth Street, NW., Room 620, Washington, D.C. 20005.

**FOR FURTHER INFORMATION CONTACT:** John C. Meyer, Deputy General Counsel, (202) 272-4010.

**SUPPLEMENTARY INFORMATION:** The amending language is deemed necessary in light of the recent litigation in *East Arkansas Legal Services v. Legal Services Corporation, et al.*, U.S. District Court for the District of Columbia, Civil Action No. 83-2813 (Judge June Green), decided October 4, 1983, *nunc pro tunc* September 30, 1983. The District Court issued a permanent injunction and a declaratory judgment that the scheduled offset (as now stated in the proposed amending language) against 1983 grant monies to recoup FY 1982 "carryover fund balances" constituted a "termination" under § 1606.2, despite the recipient's acceptance of the funds subject to a grant condition incorporating L.S.C. Instruction 83-1, which became effective February 4, 1983. Under the Court's ruling, these FY 1982 excess funds could not be recaptured by the Corporation during

1983. This amendment is designed to make it clear that such recapture of outstanding fund balances in 1984 in the absence of a determination to permanently reduce annualized funding does not constitute a "termination."

#### List of Subjects in 45 CFR Part 1606

Legal services.

#### PART 1606—[AMENDED]

For the reasons set forth in the preamble, 45 CFR Part 1606 is proposed to be amended as follows:

The authority citation for Part 1606 is revised to read as follows:

**Authority:** Section 1006(b) (1) and (3), 1007(a) (1), (3), and (9), 1007(d), 1008(e), 1011, Legal Services Corporation Act of 1974, as amended (42 U.S.C. 2996e(b) (1) and (3), 2996f(a) (1), (3), and (9), 2996f(d), 2996g(e), 2996j).

Section 1606.2(a) is revised to read as follows:

#### § 1606.2 Definitions.

(a) "Termination" means a decision that financial assistance to a recipient will be permanently terminated in whole or in part prior to expiration of the recipient's current grant or contract; an offset against one or more of a recipient's payments from the Corporation for the purpose of recovering disallowed costs or carryover fund balances from previous grants or contracts shall not constitute a termination.

\* \* \* \* \*

Dated: December 15, 1983.

Alan R. Swendiman,  
General Counsel.

[FR Doc. 83-34274 Filed 12-23-83; 8:45 am]

BILLING CODE 6820-33-M

### INTERSTATE COMMERCE COMMISSION

#### 49 CFR Parts 1105 and 1152

[Ex Parte No. 274; Sub-12]

#### Rail Abandonments; Public Use Condition

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** In a recent decision exempting a carrier from the abandonment statute we announced that specific information must be submitted to provide an adequate basis on which the Commission can determine whether to impose a public use condition. The same information appears to be needed in abandonment

proceedings filed pursuant to section 10903. Accordingly, before we will impose a public use condition under 49 U.S.C. 10906 in an abandonment proceeding, the party seeking those conditions must show why the conditions are of sufficient public importance to justify the burden which would be imposed upon the railroad. Thus, we propose to require the following information in writing: (1) The condition sought; (2) the public importance of the condition; (3) the period of time for which the condition would be effective; and (4) justification for the imposition of the time period. A copy of the request shall be mailed to the applicant

**DATE:** Comments are due by January 16, 1984.

**ADDRESS:** An original and 10 copies of any comments should refer to Ex Parte No. 274 (Sub-No. 12), and should be sent to: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

#### FOR FURTHER INFORMATION CONTACT:

Louis E. Gitomer, (202) 275-7245

or

Wayne Michel, (202) 275-7657.

**SUPPLEMENTARY INFORMATION:** We propose to modify our regulations regarding imposition of a condition by amending 49 CFR 1152.28 and 49 CFR 1105.11 Appendix.

We propose to establish specific informational requirements for persons seeking the imposition of a public use condition pursuant to 49 U.S.C. 10906.

Under 49 U.S.C. 10906, when abandonment of a rail line is authorized under 49 U.S.C. 10903, the Commission shall further find whether the rail properties are suitable for other public purposes. If the Commission finds those properties suitable for public purposes, the properties may be sold, leased, exchanged, or otherwise disposed of only under the conditions provided for in the Commission's decision. The conditions may include a prohibition on disposal "for a period of not more than 180 days after the effective date of the order, unless the properties have first been offered on reasonable terms, for sale for public purposes."<sup>1</sup>

In a recent decision exempting a carrier from the abandonment statute we announced that specific information must be submitted to provide an

<sup>1</sup> In a notice in Ex Parte No. 274 (Sub-No. 2), *Expediting Rail Abandonments—Public Use Condition* (not printed), served February 7, 1980, the time period for the public use conditions under section 10906 was clarified.

adequate basis on which the Commission can determine whether to impose a public use condition. *Boston & Main Corp.—Abandonment Exemption*, 367 I.C.C. 688 (1983). The same information appears to be needed in abandonment proceedings filed pursuant to section 10903. Accordingly, before we will impose a public use condition under 49 U.S.C. 10906 in a abandonment proceeding, the party seeking those conditions must show why the conditions are of sufficient public importance to justify the burden which would be imposed upon the railroad. Thus, we propose to require the following information in writing:

- (1) The condition sought,
- (2) The public importance of the condition,
- (3) The period of time for which the condition would be effective, and
- (4) The justification for imposition of the time period.

A copy shall be served on the applicant.

We propose to amend 49 CFR 1152.28 and 49 CFR 1105.11 Appendix to include these requirements and 49 CFR 1152.25(a)(2) (iv) to refer to these new informational requirements.

This action does not appear to have any effect on the quality of the human environment or energy consumption.

This proceeding is instituted to establish informational requirements for persons seeking imposition of a public use condition. The proposed rule appears necessary to assure an adequate basis for the Commission's determination of whether to impose that

condition. The Commission certifies that the proposed rule would neither have a significant economic impact on a substantial number of small entities, nor would it increase the compliance burdens on regulated carriers or members of the public who have an interest in these proceedings.

#### List of Subjects

#### 49 CFR Part 1105

Railroads, Environment.

#### 49 CFR Part 1152

Administrative practice and procedure, Railroads, and Environment.

This rulemaking notice is issued under the authority of 5 U.S.C. 553 and 49 U.S.C. 10321, 10903, and 10906,

Dated: December 12, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison.

James H. Bayne,  
Acting Secretary.

#### Appendix

Title 49 of the Code of Federal Regulations would be amended as follows:

#### PART 1105—[AMENDED]

1. Appendix 10 to §1105.11 was included in a proposed rule published August 10, 1983 (48 FR 36284). Appendix (10) to §1105.11 would be amended by adding the following paragraph to follow the other paragraphs of that appendix:

#### §§1105.11 Environmental notice.

\* \* \* \* \*

(10) \* \* \*

A request for a public use condition under 49 U.S.C. 10906 must be in writing and set forth: (1) the condition sought; (2) the public importance of the condition; (3) the period of time for which the condition would be effective; and (4) justification for the imposition of the time period. A copy of the request shall be mailed to the applicant.

#### PART 1152—[AMENDED]

2. Section 1152.25 would be amended by adding the following cross reference before the semicolon in paragraph (a)(2)(iv): (See §1152.28(a)(2)).

3. Section 1152.28 would be amended by redesignating the existing text of paragraph (a) as paragraph (a)(1), and by adding a new paragraph (a)(2) to read as follows:

#### §1152.28 Public use procedures.

(a) \* \* \*

(2) A request for a public use condition under 49 U.S.C. 10906 must be in writing and set forth: (1) the condition sought; (2) the public importance of the condition; (3) the period of time for which the condition would be effective; and (4) justification for the imposition of the time period. A copy of the request shall be mailed to the applicant.

\* \* \* \* \*

[FR Doc. 83-34242 Filed 12-23-83; 8:45 am]

BILLING CODE 7035-01-M

# Notices

Federal Register

Vol. 48, No. 249

Tuesday, December 27, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### Office of the Secretary

[Docket No. 83-036N]

### National Advisory Committee on Meat and Poultry Inspection; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the National Advisory Committee on Meat and Poultry Inspection will be held on January 18 and 19, 1984, (beginning at 9:00 a.m. each day) in the Georgia World Congress Center, 285 International Boulevard, Atlanta, Georgia.

The purpose of the Committee is to advise the Secretary of Agriculture regarding certain issues pertaining to the meat and poultry inspection program, pursuant to sections 7(c), 24, 205, and 301(a)(4) of the Federal Meat Inspection Act (21 U.S.C. 607(c), 624, 205, and 661(a)(4)) and sections 5(a)(4), 8(b), and 11(e) of the Poultry Products Inspection Act (21 U.S.C. 454(a)(4), 457(b), and 460(e)). The meeting will include a discussion of the following topics:

1. Pizza Standard
2. Cooked Poultry Sausage Standard
3. Pet Food Labeling
4. Fish Protein (Update)
5. Criminal Activities in the Meat and Poultry Area
6. Import Inspection and Review of Foreign Inspection Systems
7. Meat and Poultry Exports to the EEC
8. FSIS Audit Results of the Meat and Poultry Industries
9. FSIS' 1985 Budget

The meeting is open to the public on a space available basis. Comments of interested persons may be filed with the Committee before or after the meeting, and should be sent to Catherine DeRoever, Acting Director, Executive Secretariat, Room 335-E, Administration Building, U.S. Department of

Agriculture, 14th Street and Independence Avenue, SW., Washington, DC 20250, (202) 447-3002.

Done at Washington, DC, on: December 2, 1983.

Donald L. Houston,  
Vice Chairman.

[FR Doc. 83-34218 Filed 12-23-83; 8:45 am]

BILLING CODE 3410-DM-M

## ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

### Architectural and Transportation Barriers Compliance Board Meeting

**AGENCY:** Architectural and Transportation Barriers Compliance Board.

**ACTION:** Notice of ATBCB Meeting.

**SUMMARY:** The Architectural and Transportation Barriers Compliance Board (ATBCB) has scheduled a meeting to be held from 1:00 p.m. to 5:00 p.m. (the last portion of this meeting will be closed to non-federal employees due to discretionary fund discussion) on Tuesday, January 10, 1984, to take place in the Main Hall of the Disabled American Veterans (DAV) National Service and Legislative Headquarters, 807 Maine Avenue, S.W., Washington, D.C. 20024. Items to be discussed: election of a Vice Chairperson, and possible election of an Executive Committee member; draft Uniform Federal Accessibility Standard (UFAS); proposed 504 Regulation for ATBCB; options to address barriers to air travel by handicapped persons (closed session).

The meeting will be closed to the public during discussion of the last agenda item due to the sensitivity of federal funds discussion.

**DATE:** January 10, 1984—1:00 p.m.—5:00 p.m.

**ADDRESS:** Main Hall, Disabled American Veterans (DAV) National Service and Legislative Headquarters, 807 Maine Avenue, S.W., Washington, D.C.

**FOR FURTHER INFORMATION CONTACT:** Larry Allison, Special Assistant for External Affairs (202) 245-1591 (voice or TDD).

Committee meetings of the ATBCB will be held on Monday, January 9, and Tuesday morning, January 10, in the Hubert Humphrey Building. Contact

Larry Allison, Special Assistant for External Affairs (202) 245-1591 (voice or TDD), for further information.

Wm. Bradford Reynolds,  
Chairperson.

[FR Doc. 83-34212 Filed 12-23-83; 8:45 am]

BILLING CODE 6820-BP-M

## COMMISSION ON CIVIL RIGHTS

### Connecticut Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Connecticut Advisory Committee to the Commission will convene at 7:30 p.m. and will end at 9:30 p.m., on January 26, 1984, at the DeKoven Community Center, 27 Washington Street, Middletown, Connecticut 06457. The purpose of this meeting is to discuss the report on battered women and the status of the study of block grants.

Persons desiring additional information, or planning a presentation to the Committee, should contact the Chairperson, Judith H. Holmes, at (203) 247-9211, or the New England Regional Office at (617) 223-4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., December 21, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83-34251 Filed 12-23-83; 8:45 am]

BILLING CODE 6335-01-M

### Kentucky Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Kentucky Advisory Committee to the Commission will convene at 1:00 p.m. and will end at 4:00 p.m., on January 26, 1984, at the Galt House Hotel, 4th Street and River Road, Mayors Room, Louisville, Kentucky 40202. The purpose of this meeting is to discuss the new Commission on Civil Rights and possible program planning.

Persons desiring additional information, or planning a presentation to the Committee, should contact the

Chairperson, Paul Oberst at (606) 257-3950 or the Southern Regional Office at (404) 221-4391.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., December 21, 1983.

**John I. Binkley,**

*Advisory Committee Management Officer.*

[FR Doc. 83-34249 Filed 12-23-83; 8:45 am]

**BILLING CODE 6335-01-M**

#### **North Carolina Advisory Committee; Agenda and Notice of Public Meeting**

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the North Carolina Advisory Committee to the Commission will convene at 1:00 p.m. and will end at 4:00 p.m., on January 10, 1984, at the Greensboro/High Point Marriot, Salon A, Greensboro/High Point Regional Airport, Greensboro, North Carolina 27409. The purpose of this meeting is to discuss the New Commission on Civil Rights and possible program planning.

Persons desiring additional information, or planning a presentation to the Committee, should contact the Chairperson, Tommie Young at (919) 379-7803 or the Southern Regional Office at (404) 221-4391.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., December 21, 1983.

**John I. Binkley,**

*Advisory Committee Management Officer.*

[FR Doc. 83-34248 Filed 12-23-83; 8:45 am]

**BILLING CODE 6335-01-M**

#### **Tennessee Advisory Committee; Agenda and Notice of Public Meeting**

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Tennessee Advisory Committee to the Commission will convene at 3:30 p.m. and will end at 6:30 p.m., on January 20, 1983, at the Benchmark Hotel, 164 Union Avenue, Salon, Memphis, Tennessee 38103. The purpose of this meeting is to Discuss the new Commission on Civil Rights and possible program planning.

Persons desiring additional information, or planning a presentation to the Committee, should contact the Chairperson, Mattie Crossley at (701) 276-4461 or the Southern Regional Office at (401) 221-4391.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., December 21, 1983.

**John I. Binkley,**

*Advisory Committee Management Officer.*

[FR Doc. 83-34250 Filed 12-23-83; 8:45 am]

**BILLING CODE 6335-01-M**

#### **Wisconsin Advisory Committee; Agenda and Notice of Public Meeting**

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Wisconsin Advisory Committee to the Commission will convene at 6:30 p.m. and will end at 9:00 p.m., February 8, 1984, at the Wisconsin Memorial Union, 800 Langdon, Madison, Wisconsin 53706. The purpose of this meeting is to review the status of current projects and their implications for future program activity.

Person desiring additional information, or planning a presentation to the Committee, should contact the Chairperson, Herbert Hill at (608) 263-2330 or the Midwestern Regional Office at (312) 353-7479.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C. December 21, 1983.

**John I. Binkley,**

*Advisory Committee Management Officer.*

[FR Doc. 83-34252 Filed 12-23-83; 8:45 am]

**BILLING CODE 6335-01-M**

#### **DEPARTMENT OF COMMERCE**

##### **Agency Forms Under Review by the Office of Management and Budget (OMB)**

DOC has submitted to OMB for clearance the following proposals for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of the Census

Title: Survey of Income and Program Participation—Wave 3

Form Numbers: Agency—SIPP-4300, SIPP-4305; QMB—0607-0425

Type of Request: Revision of a currently approved collection

Burden: 42,000 respondents; 21,000 reporting hours

Needs and Uses: These survey data are needed to provide the executive and legislative branches of government with improved statistics on income

distribution and data not previously available on eligibility for and participation in government programs. The data are also used to support policy analysis and program planning

Affected Public: Individuals or households  
Frequency: Three times a year  
Respondent's Obligation: Voluntary  
OMB Desk Officer: Timothy Sprehe, 395-4814

Agency: Bureau of the Census

Title: Inner City Hospital Feasibility Study

Form Numbers: Agency—S-554A, OMB—N/A

Type of Request: New collection

Burden: 450 respondents; 113 reporting hours

Needs and Uses: The data collected are used to assess the feasibility of using inner city hospital administrative lists to improve and evaluate census coverage. The data are also used to determine the types of inner city residents who are undercounted and to develop special strategies for outreach to Black Americans  
Affected Public: Individuals or households

Frequency: Nonrecurring  
Respondent's Obligation: Voluntary  
OMB Desk Officer: Timothy Sprehe, 395-4814

Copies of the above information collection proposals can be obtained by calling or writing DOC Clearance Officer, Edward Michals (202) 377-4217, Department of Commerce, Room 6622, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Written comments and recommendations for the proposed information collections should be sent to the respective OMB Desk Officer, Room 3235, New Executive Office Building, Washington, D.C. 20503.

Edward Michals,

*Departmental Clearance Officer.*

[FR Doc. 83-34315 Filed 12-23-83; 8:45 am]

**BILLING CODE 3510-CW-M**

#### **National Oceanic and Atmospheric Administration**

##### **Gulf of Mexico Fishery Management Council; Public Meeting**

**AGENCY:** National Marine Fisheries Service, NOAA.

**SUMMARY:** The Gulf of Mexico Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265, as amended), will convene members of its Mackerel Management Committee to consider

**amendment of the Mackerel Fishery Management Plan.**

**DATES:** The Committee meeting will convene on Tuesday, January 3, 1984, at approximately 10 a.m., adjourn at approximately 6 p.m.; reconvene on Wednesday, January 4, 1984, at approximately 8 a.m., and adjourn at approximately noon. The public meeting will take place at the Gateway Airport Inn, 1419 Virginia Avenue, Atlanta, Georgia.

**FOR FURTHER INFORMATION CONTACT:** Gulf of Mexico Fishery Management Council, Lincoln Center—Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609, Telephone: (813) 229-2815.

Dated: December 21, 1983.

**Carmen J. Blondin,**  
*Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.*

[FR Doc. 83-34323 Filed 12-23-83; 8:45 am]

**BILLING CODE 3510-22-M**

**South Atlantic Fishery Management Council; Public Meeting**

**AGENCY:** National Marine Fisheries Service, NOAA.

**SUMMARY:** The South Atlantic Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265, as amended), will meet to discuss the Coastal Migratory Pelagics (Mackerel) Fishery Management Plan (FMP); update progress on the Swordfish FMP; give a status report on the Bluefish FMP; review the calico scallop fishery and discuss other business as necessary.

**DATES:** The public meeting will convene on Monday, January 23, 1984, at approximately noon and will adjourn on Thursday, January 26, 1983, at approximately noon. The public meeting will take place at the Holiday Inn, 1300 N. Atlantic Avenue, Cocoa Beach, Florida.

**FOR FURTHER INFORMATION CONTACT:** David H. G. Gould, Executive Director, South Atlantic Fishery Management Council, One Southpark Circle—Suite 306, Charleston, South Carolina 29407, Phone: (803) 571-4366.

Dated: December 21, 1983.

**Carmen J. Blondin,**  
*Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.*

[FR Doc. 83-34322 Filed 12-23-83; 8:45 am]

**BILLING CODE 3510-22-M**

**Striped Bass Research Study; Joint Meeting**

**AGENCY:** National Marine Fisheries Service, NOAA.

**SUMMARY:** The National Marine Fisheries Service and the U.S. Fish and Wildlife Service will hold a joint meeting to discuss progress on the Emergency Striped Bass Research Study as authorized by the amended Anadromous Fish Conservation Act (Pub. L. 96-118).

**DATE:** The meeting will convene on Thursday, January 12, 1984, at 9:00 a.m., and will adjourn at approximately 3:00 p.m. The meeting is open to the public.

**ADDRESS:** National Marine Fisheries Service, Room 401, Page Building 2, 3300 Whitehaven Street, N.W., Washington, D.C. 20235.

**FOR FURTHER INFORMATION CONTACT:** Austin R. Magill, Office of Fisheries Management, National Marine Fisheries Service, Washington, D.C. 20235 Telephone: (202) 634-7454.

Dated: December 20, 1983.

**William G. Gordon,**  
*Assistant Administrator for Fisheries.*

[FR Doc. 83-34221 Filed 12-23-83; 8:45 am]

**BILLING CODE 3510-22-M**

**National Oceanic and Atmospheric Administration, National Marine Fisheries Service; Modification No. 1 to Permit No. 383**

Notice is hereby given that pursuant to the provisions of §§ 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216). Scientific Research Permit No. 383 issued to Mr. Michael Graybill, Oregon Institute of Marine Biology, University of Oregon, Charleston, Oregon 97420 (42 FR 27584), is modified to extend the period of authorized taking for two years.

Accordingly, Section B-9 is deleted and replaced by: "5. This permit is valid with respect to the taking authorized herein until December 31, 1985."

This modification becomes effective upon publication in the *Federal Register*.

The Permit as modified and documentation pertaining to the modification are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Northwest Region,

7600 Sand Point Way, N.E., BIN C15700, Seattle, Washington 98115.

Dated: December 20, 1983.

**Carmen J. Blondin,**  
*Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.*

[FR Doc. 83-34257 Filed 12-23-83; 8:45 am]

**BILLING CODE 3510-22-M**

**National Marine Fisheries Service; Receipt of Applications for General Permits**

Notice is hereby given that the following applications have been received to take marine mammals incidental to the pursuit of commercial fishing operations within the U.S. fishery conservation zone during 1984 as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) and the regulations thereunder.

1. The VEB Fischfang Rostock, 2501 Rostock 5, German Democratic Republic has applied for a Category 1: "Towed or Dragged Gear" general permit to take 8 phocid seals and 10 small cetaceans in the North Atlantic Ocean.

2. The Hochseefischeri Nordstern AG, 2650 Bremerhaven, Am Seedeich, West Germany has applied for a Category 1: "Towed or Dragged Gear" general permit to take 25 otariid seals, 10 phocid seals, and 10 small cetaceans in the Bering Sea and Gulf of Alaska.

3. The Embassy of the Republic of Korea, 2320 Massachusetts Avenue, N.W., Washington, D.C. 20008, has applied for a Category 1: "Towed or Dragged Gear" general permit to take 100 otariid seals, 100 phocid seals, and 50 small cetaceans in the Bering Sea and Gulf of Alaska.

These applications are available for review in the Office of the Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.

Interested parties may submit written comments on these applications within 30 days of the date of this notice to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Washington, D.C. 20235.

Dated: December 20, 1983.

**Carmen J. Blondin,**  
*Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.*

[FR Doc. 83-34258 Filed 12-23-83; 8:45 am]

**BILLING CODE 3510-22-M**



# **National Marine Fisheries Service; Taking of Marine Mammals Incidental to Commercial Fishing Operations**

**AGENCY:** National Marine Fisheries Service, NOAA, Commerce.

**ACTION:** Notice of Determination.

**SUMMARY:** The Assistant Administrator for Fisheries has determined that the following nations which purse seine for yellowfin tuna in the eastern tropical Pacific Ocean in 1982 remain in conformance with Marine Mammal Protection Act regulations regarding the protection of porpoises and may continue to export yellowfin tuna to the United States until December 31, 1984, provided prohibitions are not imposed under other U.S. statutes. These nations are: Bermuda, Canada, Cayman Islands, Costa Rica, Ecuador, El Salvador, Panama, and Venezuela. The following nations have not supplied the information required by regulation prior to this date and are already under a Marine Mammal Protection Act embargo and may not export yellowfin tuna to the United States: Mexico and the U.S.S.R. In 1982 Spain was under an embargo imposed by the Tuna Convention Act and was not able to export yellowfin tuna to the United States if the tuna was caught in the eastern tropical Pacific. That prohibition was removed in 1983 but Spain has not reentered the fishery as of this date.

**EFFECTIVE DATE:** December 27, 1983.

## **FOR FURTHER INFORMATION CONTACT:**

Mr. K. R. Hollingshead, Protected Species Division, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Washington, D.C. 20235. Telephone: 202/634-7529.

**SUPPLEMENTARY INFORMATION:** The National Marine Fisheries Service (NMFS) published regulations in the *Federal Register* on December 23, 1977, (42 FR 64548-64560) governing the taking of marine mammals incidental to commercial fishing operations. These regulations were repromulgated on October 31, 1980 (45 FR 72178-72196). Included in these regulations are provisions concerning the importation of yellowfin tuna and tuna products from nations known to be involved in the yellowfin tuna purse seine fishery in the eastern tropical Pacific Ocean (ETP). Effective January 1, 1978, these importation provisions made the importation of yellowfin tuna and tuna products from nations known to be involved in the ETP fishery contingent upon certain findings by the Assistant

Administrator for Fisheries. The Assistant Administrator must find: (a) that the fishing operations of the nation concerned " \* \* \* are conducted in conformance with these regulations and standards \* \* \* " or (b) that "although not in conformance with these regulations, such fishing is accomplished in a manner which does not result in incidental mortality and serious injury in excess of that which results from U.S. fishing operations under these regulations \* \* \* " (see 50 CFR 216.24(e)(5)). These findings would then be subject to an annual review in which the information items listed in § 216.24(e)(5)(ii) are updated for the previous calendar year.

In 1982, eleven nations, not including the United States, were known to be purse seining in the ETP. During 1983, information was requested from six of these nations: the Cayman Islands, Costa Rica, Ecuador, El Salvador, Panama and Venezuela. All have now responded and have been determined to be fishing in accordance with the requirements of section 216.24(e) and may therefore continue to export yellowfin tuna and tuna products to the United States until December 31, 1984, provided prohibitions are not imposed under other U.S. statutes. Bermuda and Canada, whose purse seine vessels are smaller than those known to effectively fish on porpoise, may also continue to export yellowfin tuna to the United States.

Mexico is prohibited from exporting yellowfin tuna to the United States under both the Marine Mammal Protection Act and the Magnuson Fishery Conservation and Management Act, and during 1983 did not submit information requesting a new finding of conformance under the MMPA. Therefore, the exportation of yellowfin tuna and yellowfin tuna products from Mexico is still prohibited under § 101(a)(2) of the MMPA and § 216.24(e) of Chapter 50 of the Code of Federal Regulations. The U.S.S.R., which began purse seining operations in the ETP during 1981 and during 1982 had two vessels fishing there, also has not submitted information requesting a finding of conformance under 50 CFR 216.24(e). It therefore may not export yellowfin tuna to the United States.

Finally, Spain, whose tuna products had been embargoed from entry into the United States under provisions of the Tuna Convention Act of 1950 since November 1, 1975, was allowed to resume shipments of tuna to the United States effective July 19, 1983. Spain, however, has not reentered the ETP purse seine fishery since that embargo

was lifted. Since Spain's finding of conformance has not been updated since its original determination on September 8, 1978, Spain must obtain a new finding of conformance under § 216.24(e) if it reenters the ETP fishery and wishes to export yellowfin tuna to the United States.

These findings expire on December 31, 1984, and yellowfin tuna and tuna products from the Cayman Islands, Costa Rica, Ecuador, El Salvador, Mexico, Panama, and Venezuela (all nations currently known to be purse seining in the ETP in 1983 with vessels greater than 400 tons carrying capacity) may not be exported to the United States after that date unless a new Notice of Determination finding that these nations are in conformance with U.S. regulations regarding the protection of porpoises has been published herein. In order to be included in this Notice, the information items listed in 50 CFR 216.24(e)(5)(ii) must be completely addressed and received prior to September 1, 1984.

Dated: December 20, 1983.

William G. Gordon,

*Assistant Administrator for Fisheries,  
National Marine Fisheries Service.*

[FR Doc. 83-34259 Filed 12-23-83; 8:45 am]

BILLING CODE 3510-22-M

## **DEPARTMENT OF COMMERCE**

## **DEPARTMENT OF LABOR**

### **Steel Advisory Committee; Meeting**

On November 18, 1983 five subcommittees were established to serve the Steel Advisory Committee. These subcommittees are: Subcommittee on the State of the Industry, Subcommittee on Trade Issues, Subcommittee on Capital Formation Issues, Subcommittee on Industry Rationalization Issues, and Subcommittee on Employment, Productivity and Adjustment Issues.

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (1970), as amended, notice is hereby given that the initial meetings of the established subcommittees of the Steel Advisory Committee will be held on January 11, 1984, at 9:00 a.m.-5:00 p.m. and January 12, 1984, at 9:00 a.m.-1:00 p.m. The meetings will be held in Room S-2508, Frances Perkins Building, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C.

The agenda for these initial meetings emphasize subcommittee organization, membership and preliminary work plan. Topical issues for subcommittee consideration will also be discussed. For



further information regarding each subcommittee's agenda, meeting schedule, objectives or structure, please contact F. T. Knickerbocker, Executive Director, Steel Advisory Committee (acting), whose mailing address is: Room 4836, U.S. Department of Commerce, 14th & Constitution Avenue, N.W., Washington, D.C. 20230; or phone (202) 377-2405. With regard to general questions relating to the administration of the subcommittee as required by the Federal Advisory Committee Act, please contact Robert H. Brumley, II, Special Assistant to the General Counsel, U.S. Department of Commerce (202) 377-4772.

The public is welcome to each initial subcommittee meeting and will be admitted to the extent that seating is available. Persons wishing to make formal statements should notify the Executive Director of the Committee in advance of these meetings. Each Subcommittee Chair retains the prerogative to place limits on the duration of oral statements and discussions. Written statements may be submitted before or after each session.

Dated: December 21, 1983.

F. T. Knickerbocker,  
*Executive Director (Acting), Steel Advisory Committee.*

[FR Doc. 83-34382 Filed 12-23-83; 8:45 am]

BILLING CODE 3510-15-M

## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### Request for Public Comment on Bilateral Textile Consultations With the Government of Mexico To Review Trade in Category 604pt. (TSUSA 310.5049)

December 20, 1983.

On June 30, 1983, a notice was published in the *Federal Register* (48 FR 30182) announcing that the United States Government had decided, pending consultations with the Government of Mexico, to control imports of acrylic spun yarn in Category 604pt. (only TSUSA No. 310.5049) at a level of 759,421 pounds for goods exported during 1983. Available charges for imports in this category, exported in 1983 prior to June 30, the effective date of the import control, amounted to 1,259,056 pounds and resulted in an embargo. Additional import charges of 375,029 pounds remain outstanding.

The purpose of this notice is to announce that, because of the large volume of overshipments outstanding in this category and because no mutually satisfactory agreement has been

reached between the two governments during consultations held in 1983, the United States Government intends to request the Government of Mexico to enter into consultations concerning this category, according to the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of February 28, 1979, as amended and extended, effective on January 1, 1984.

Under the consultation provision of the bilateral agreement, Mexico is obligated to limit its exports to the United States of these products during the ninety-day period beginning on January 1, 1984 to 703,471 pounds.

Mexico is also obligated under the bilateral agreement, if no mutually satisfactory solution is reached during consultations, to limit its exports to the United States during the twelve months beginning on January 1, 1984 to 759,421 pounds. The United States reserves the right to invoke import controls on this category. The United States also reserves the right to charge applicable overshipments of the 1983 annual limit and of the impending ninety-day consultation level to this limit.

The United States Government has decided, pending a mutually satisfactory solution, to control imports of man-made fiber textile products in Category 604pt (only T.S.U.S.A. No. 310.5049) for the ninety-day period beginning January 1, 1984, at the level described above. This restraint level will be filled at opening as a result of the application of 1983 overshipment charges amounting to 874,664 pounds.

The United States remains committed to finding a solution concerning this category. Should such a solution be reached in consultations with the Government of Mexico, further notice will be published in the *Federal Register*.

Anyone wishing to comment or provide data or information regarding the treatment of Category 604pt. (only T.S.U.S.A. Number 310.5049) under the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement with the Government of Mexico, or on any other aspect thereof, or to comment on domestic production or availability of textile products included in Category 604pt. (only T.S.U.S.A. Number 310.5049), is invited to submit such comments or information in ten copies to Walter C. Lenahan, Chairman, Committee for the Implementation of Textile Agreements, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230. Since the exact timing of the consultations is not yet certain, comments should be submitted promptly. Comments or information

submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, Room 3100, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230, and may be obtained upon written request.

Further comment may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreements or the implementation thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) relating to matters which constitute "a foreign affairs function of the United States."

**EFFECTIVE DATE:** January 1, 1984.

#### FOR FURTHER INFORMATION CONTACT:

William Boyd, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-4212).

**SUPPLEMENTARY INFORMATION:** In the letter published below, pursuant to the bilateral agreement, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of man-made fiber textile products in Category 604pt. (only T.S.U.S.A. Number 310.5049), produced or manufactured in Mexico and exported during the indicated ninety-day period, in excess of the designated level of restraint.

Walter C. Lenahan,

*Chairman, Committee for the Implementation of Textile Agreements.*

#### Committee for the Implementation of Textile Agreements

Commissioner of Customs,  
*Department of the Treasury, Washington, D.C.*

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1983, as extended on December 15, 1977 and December 22, 1981; pursuant to the bilateral Cotton, Wool and Man-made Fiber Textile Agreement of February 28, 1979, as amended and extended, between the Governments of the United States and Mexico; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 1984 and for the ninety-day period extending through March 31, 1984, entry into the United States for consumption and withdrawal from warehouse for consumption of man-made fiber textile

products, produced or manufactured in Mexico and exported on and after January 1, 1984, in excess of 703,471 pounds.<sup>1</sup>

Textile products in Category 604 pt. (only T.S.U.S.A. No. 310.5049) which have been exported to the United States prior to January 7, 1984 shall be subject to this directive.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 F.R. 55709), as amended on April 7, 1983 (48 F.R. 15175) and May 3, 1983 (48 F.R. 19924).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The action taken with respect to the Government of Mexico and with respect to imports of man-made fiber textile products from Mexico has been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register**.

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 83-34206 Filed 12-23-83; 8:45 am]

BILLING CODE 3510-DR-M

## CONSUMER PRODUCT SAFETY COMMISSION

### Notification of Proposed Collection of Information

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1981 (44 U.S.C. 3501 *et seq.*), the Consumer Product Safety Commission has submitted to the Office of Management and Budget a request for approval through September 30, 1984, of a proposed collection of information in the form of a survey of persons who receive Commission publications concerning coal and wood-burning stoves, kerosene heaters, or gas-fired space heaters.

The information obtained from this survey will be used to evaluate the effectiveness of these three publications and the Commission's campaign to improve consumer awareness about safety of home heating appliances.

Information About the Proposed Collection of Information

<sup>1</sup> The level of restraint has not been adjusted to reflect any imports after December 31, 1982. Overshipments in 1983 have amounted to 874,664 pounds and should be charged.

**Agency address:** Consumer Product Safety Commission, 1111 18th Street, NW., Washington, D.C. 20207

**Title of information collection:** Evaluation of Home Heating Appliance Program.

**Type of request:** New plan.

**Frequency of collection:** One time.

**General description of respondents:**

Persons who receive Commission publications concerning coal and wood-burning stoves, kerosene heaters, or gas-fired space heaters.

**Estimated number of respondents:** 500.

**Estimated average number of hours per response:** 0.8 (5 minutes).

**Comments:** Comments on this request for approval of proposed collection of information should be addressed to Andy Velez Rivera, Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503, telephone (202) 395-7313. Copies of the request for approval of proposed collection of information are available from Francine Shacter, Office of Budget, Program Planning, and Evaluation, Consumer Product Safety Commission, Washington, D.C. 20207; telephone: (301) 492-6529.

This is not a proposal to which 44 U.S.C. 3504(h) is applicable.

Dated: December 20, 1983.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 83-34214 Filed 12-23-83; 8:45 am]

BILLING CODE 6355-01-M

### Notification of Request for Extension of Approval of Information Collection Requirements; Flammability Standards for Carpets and Rugs

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1981 (44 U.S.C. 3501 *et seq.*), the Consumer Product Safety Commission has submitted to the Office of Management and Budget a request for extension of approval through January 31, 1987, of information collection requirements in regulations implementing flammability standards for carpets and rugs. The regulations are codified at 16 CFR Parts 1630 and 1631, and prescribe requirements for testing and recordkeeping by persons and firms issuing guaranties of products subject to the Standard for the Surface Flammability of Carpets and Rugs and the Standard for the Surface

Flammability of Small Carpets and Rugs.

### Information about the Requested Extension of Approval of Requirements for Collection of Information

**Agency address:** Consumer Product Safety Commission, 1111 18th Street, NW., Washington, D.C. 20207.

**Title of information collection:** Standard for the Flammability of Carpets and Rugs (FF 1-70), 16 CFR Part 1630; Standard for the Flammability of Small Carpets and Rugs (FF 2-70), 16 CFR Part 1631.

**Type of request:** Extension of approval.

**Frequency of collection:** Varies depending upon volume of goods manufactured or imported.

**General description of respondents:** Manufacturers and importers of products subject to the flammability standards for carpets and rugs.

**Estimated number of respondents:** 120.

**Estimated average number of hours for each respondent:** 532 per year.

**Comments:** Comments on this requested extension of approval of information collection requirements should be addressed to Andy Velez-Rivera, Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503; telephone: (202) 395-7313. Copies of the request for extension of information collection requirements are available from Francine Shacter, Office of Budget, Planning, and Program Evaluation, Consumer Product Safety Commission, Washington, D.C. 20207; telephone: (301) 492-6529.

This is not a proposal to which 44 U.S.C. 35-4(h) is applicable.

Dated: December 20, 1983.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 83-34215 Filed 12-23-83; 8:45 am]

BILLING CODE 6355-01-M

### Children's Pacifiers Containing Nitrosamines; Enforcement Policy

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Notice.

**SUMMARY:** In this notice, the Commission states its enforcement policy toward children's rubber pacifiers containing nitrosamines that it believes are banned hazardous substances under the Federal Hazardous Substances Act. The nitrosamines in pacifiers are

carcinogenic and capable of being released into saliva and ingested. The Commission announces that it may bring individual enforcement actions against pacifiers that contain more than 60 parts per billion (ppb) of nitrosamines, when measured by a specified methylene chloride extraction procedure, as banned hazardous substances under the Federal Hazardous Substances Act. Defendants in such actions will have a full opportunity to contest the Commission's technical evidence and legal conclusions concerning such pacifiers at a hearing. This announcement is to advise manufacturers and importers of rubber pacifiers that the Commission will not initiate enforcement action against rubber pacifiers initially introduced into interstate commerce after January 1, 1984, that do not exceed 60 ppb, unless it gives further notice in the **Federal Register**.

A similar notice addressing the Food and Drug Administration's action level for nitrosamines in rubber baby bottle nipples appears elsewhere in this issue of the **Federal Register**.

**DATES:** This statement of policy is effective January 1, 1984. The Commission may bring enforcement actions against products with a tested nitrosamine level exceeding 60 ppb that are initially introduced into interstate commerce (which includes importation) after December 31, 1983.

**FOR FURTHER INFORMATION CONTACT:** Charles M. Jacobson, Division of Regulatory Management, Directorate for Compliance and Administrative Litigation, Consumer Product Safety Commission, Washington, D.C. 20207, telephone: (301) 492-6400.

**SUPPLEMENTARY INFORMATION:** Nitrosamines are a group of chemicals which have long been known to be potent animal carcinogens and are widely accepted by the scientific community as probable human carcinogens.

In December of 1981, the Commission's staff learned from the Organization of Economic Cooperation and Development (OECD) that European rubber pacifiers and nipples had been found to contain nitrosamines. The International Agency for Research on Cancer (IARC) has found that there is sufficient evidence to categorize all nitrosamines identified in pacifiers (including dibutyl-, diethyl-, and dimethyl-nitrosamines) as carcinogens in rats, mice, dogs, hamsters and guinea pigs, as well as other animals, when tested by oral, subcutaneous, and intravenous routes of administration. Because of the presence of a likely

human carcinogen in rubber pacifiers and nipples, the Federal Republic of Germany had enacted a regulation limiting the amount of preformed nitrosamine to 10 parts per billion (ppb) and precursor (nitrosatable) amines to 200 ppb, as measured by the quantity migrating into a saliva simulant over 24 hours.

Nitrosamines are formed from amines used as accelerators during vulcanization of the rubber or are unintentional trace substances present in stabilizers used in the manufacture of the rubber pacifier. The level of nitrosamines present in the product can be reduced by lowering the amount or changing the type of accelerator used and by using substances that are not contaminated with nitrosamines.

There are two basic methods used to quantify the amount of nitrosamine present in rubber samples. The method referenced in the German regulation measures the amount of nitrosamine and nitrosatable precursors migrating into saliva simulant. The other method, which is more efficient, involves extraction of the nitrosamines from rubber samples using methylene chloride. Slight methodological differences exist between this procedure as employed by the Food and Drug Administration's (FDA's) Bureau of Foods laboratory and FDA's National Center for Toxicological Research (NCTR). According to studies performed by the Bureau of Foods and NCTR, the methods produce essentially equivalent results. Manufacturers are therefore free to employ either procedure for quality control purposes.

In 1982, the FDA notified the Commission that it had identified nitrosamines in domestically available baby bottle nipples and indicated that it was meeting with the industry to work out a plan for either eliminating or lowering the level of nitrosamines in baby bottle nipples. FDA's concern, in addition to direct ingestion from the nipple, is that nitrosamines in the rubber may migrate into the milk or formula and thus be ingested by the baby. The majority of the manufacturers of rubber baby bottle nipples are in the United States. The domestic manufacturers of rubber baby bottle nipples have been represented by the Rubber Manufacturers Association (RMA) in their discussions with FDA.

On September 2, 1983, the RMA presented to FDA proposed action levels and a proposed compliance date for "achieving lowest technologically feasible" levels of nitrosamines in rubber baby bottle nipples. The action level is the point at which FDA will initiate legal action against the product.

The industry proposal is that the action level for nitrosamines in rubber baby bottle nipples for home use be 60 ppb for nipples initially introduced into interstate commerce after December 31, 1983. The action levels proposed to FDA are based on the FDA Bureau of Foods' methylene chloride extraction procedure, which is more efficient than the simulated saliva extraction used in the German standard and which should produce results similar to the methylene chloride extraction procedure used by FDA's NCTR.

Testing performed for the Commission by FDA's Bureau of Foods laboratory, FDA's NCTR, and other laboratories, using both methodologies, indicates that there is a significant release of nitrosamines from rubber pacifiers. The testing performed at NCTR revealed that quantities of nitrosamines identified in pacifiers vary from manufacturer to manufacturer, from factory to factory, from one lot to another produced by the same manufacturer, and even within lots.

In contrast to the situation with nipples, most pacifiers are manufactured outside the United States. The Commission's staff has been meeting with representatives of the pacifier industry for the past year to discuss the problem and exchange data and views. As a result of these discussions with pacifier manufacturers and importers, and from the tests that have been performed for the Commission, it appears that some pacifiers recently marketed in the U.S. substantially exceed the 60 ppb level of nitrosamines that the Rubber Manufacturers Association has indicated to the FDA can be achieved with rubber nipples for consumer use. The Commission concludes that a similar level can be achieved for rubber pacifiers.

The Commission believes that rubber pacifiers containing nitrosamines are "banned hazardous substances" under the Federal Hazardous Substances Act (FHSA). This belief is based on the definitions contained in the FHSA and on the existing technical evidence.

The Commission has the statutory authority to take action under the FHSA against rubber pacifiers as a hazardous substance if the product is, among other things, "toxic." Under section 2(g) of the FHSA, "[t]he term 'toxic' shall apply to any substance \* \* \* which has the capacity to produce personal injury or illness to man through ingestion, inhalation, or absorption through any body surface." Under section 2(f)(1)(A) of the FHSA, "[t]he term 'hazardous substance' means \* \* \* [a]ny substance or mixture of substances which \* \* \* is

toxic \* \* \* if such substance or mixture of substances may cause substantial personal injury or substantial illness during or as a proximate result of any customary or reasonably foreseeable handling or use, including reasonably foreseeable ingestion by children." Under section 2(q)(1) of the FHSA, "[t]he term 'banned hazardous substance' means \* \* \* any toy, or other article intended for use by children, which is a hazardous substance, or which bears or contains a hazardous substance in such manner as to be susceptible of access by a child to whom such toy or other article is entrusted \* \* \*"

In addition to jurisdiction over pacifiers under the FHSA where the product is found to be "toxic," the FHSA's definition of "hazardous substance" includes any "toy or other article intended for use by children" which the Commission by regulation determines presents an electrical, mechanical, or thermal hazard. 15 U.S.C. 1261(f)(1)(D). The Commission has previously issued a regulation at 16 CFR Part 1511 that addresses mechanical hazards that can be associated with pacifiers. This regulation includes requirements relating to the strength and flexibility of the pacifier.

Because changing the formulation may affect the strength of the finished product, some pacifier manufacturers have expressed concern that reducing nitrosamine levels in pacifiers to the 60 ppb level would render the product so weak that the pacifier would present an increased mechanical hazard due to ingestion or aspiration of pieces of the pacifier that break or tear off because the object lacks strength. However, the Commission has tested pacifiers made by a domestic manufacturer that have achieved both a nitrosamine level under 60 ppb and the mechanical qualities that pass the Commission's requirements at 16 CFR Part 1511. Thus, the Commission concludes that the 60 ppb level is feasible to achieve without introducing additional hazards.

The Commission believes that a number of pacifier manufacturers have reduced the levels of nitrosamines in their products since this problem first came to light. In addition, the Commission is aware that a voluntary standard to limit nitrosamine levels in pacifiers is being developed. Nevertheless, the available data indicate to the Commission that nitrosamines are carcinogenic and that there is significant release of nitrosamines from pacifiers. The exposure of infants to these nitrosamines at levels above the lowest technologically feasible levels presents

an unnecessary and avoidable risk of cancer.

The costs to industry to achieve a tested nitrosamine level of 60 ppb or less involve a one-time expense to change or modify pacifier formulations. The Commission does not expect that this change will have a significant effect on the cost to produce the product or on the cost of the product to consumers. The Commission also believes that any changes needed to meet this level can be incorporated by the affected companies by January 1, 1984.

The Commission's staff has been informed that it should be possible in the future to further reduce the technologically feasible level, perhaps to the neighborhood of 10 ppb. Therefore, the Commission in the future may modify this enforcement policy to reduce the level above which it may bring enforcement cases to below 60 ppb. However, before instituting such a policy change, the Commission would give advance notice of the change in the *Federal Register*.

The Commission will be testing rubber pacifiers for nitrosamine content. The Commission intends, when this testing is completed and evaluated, to provide guidance to consumers to assist them in evaluating the comparative safety of rubber pacifiers.

#### Statement of Policy

For the reasons explained above, the Commission has concluded, based on available information, that rubber pacifiers containing significant levels of nitrosamines are hazardous substances as defined in section 2(g) of the FHSA and thus are banned hazardous substances under section 2(q)(1)(A) of the FHSA because they are articles intended for use by children that bear or contain a hazardous substance in such a manner as to be susceptible of access to a child to whom the pacifier is given. Therefore, the Commission announces that it will bring enforcement cases against persons performing acts prohibited by section 4 of the FHSA in relation to rubber pacifiers that are initially introduced into interstate commerce after January 1, 1984, and that contain more than 60 parts per billion of nitrosamines as measured by methylene chloride extraction.<sup>1</sup> The Commission

<sup>1</sup> Chairman Nancy Harvey Steorts and Commissioners Stuart M. Statler and Sam Zagoria voted to publish this notice. Commissioner Terrence M. Scanlon dissented, and a statement of his separate views is available from the Office of the Secretary, Consumer Product Safety Commission, 5401 Westbard Avenue, Bethesda, Maryland 20207, telephone (301) 492-6800. Commissioner Sandra Brown Armstrong was not present at the meeting at which this matter was decided and did not participate in this decision.

will test by the procedure used by FDA's National Center for Toxicological Research.<sup>2</sup> This announcement is to advise manufacturers and importers of rubber pacifiers that, without further notice in the *Federal Register*, the Commission will not initiate enforcement action so long as pacifiers initially introduced into interstate commerce after January 1, 1984, do not exceed 60 ppb by the method described above.

The statement in the preceding paragraph is merely a notice of the Commission's intention to bring individual enforcement cases under the FHSA and is not a binding rule. Any parties who disagree about whether rubber pacifiers containing more than 60 ppb of nitrosamines are banned hazardous substances will have ample opportunity to challenge the Commission's technical evidence and legal conclusions at a hearing. Because this statement of enforcement policy is not a proposed or final rule, the Regulatory Flexibility Act is inapplicable.

Furthermore, neither the publication of this notice or the bringing of enforcement cases under this announced enforcement policy has any significant potential for affecting the environment. See 16 CFR 1021.5(c)(4). Therefore, neither an environmental assessment nor an environmental impact statement is required.

Dated: December 16, 1983.

Sadye E. Dunn,  
Secretary, Consumer Product Safety  
Commission.

[FR Doc. 83-34325 Filed 12-23-83; 8:45 am]

BILLING CODE 6355-01-M

## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### Privacy Act of 1974; Changes to the Blanket Routine Uses for All DoD Systems of Records

**AGENCY:** Office of the Secretary, Defense (OSD).

**ACTION:** Changes to the Blanket Routine Uses for all DoD systems of records.

**SUMMARY:** The Office of the Secretary of Defense proposes to delete two Blanket Routine Uses for all of the DoD system of records subject to the Privacy Act of 1974. In addition a new Blanket Routine Use for all DoD systems is to be added.

<sup>2</sup> Copies of this test procedure, and of other documents relevant to this enforcement policy, may be obtained from the Office of the Secretary.

**DATES:** This action will be effective on January 26, 1984.

**ADDRESS:** Send comments to: William C. Goforth, Lt. Col., USAF, Staff Executive (Attorney), Defense Privacy Board, % OSD Mail Room, Room: 3A-948. The Pentagon, Washington, DC 20301. Telephone (202) 694-3027.

**FOR FURTHER INFORMATION CONTACT:** Lt. Col. Goforth at the above address and telephone number.

**SUPPLEMENTARY INFORMATION:** The Office of the Secretary of Defense proposes to eliminate two Blanket Routine Uses from all DoD Component listings previously published in the *Federal Register* regarding systems of records. Records which are subject to the Privacy Act of 1974, as amended, (Title 5, United States Code, Section 552a) and maintained by the various DoD Components.

The Blanket Routine Use entitled: "Routine Use within the Department of Defense" is being eliminated since it is DoD policy to treat the entire Department of Defense as a single agency for Privacy Act purposes.

See DoD 5400.11-R, "The Department of Defense Privacy Program" (32 CFR Part 286a). Therefore, there is no need for a routine use to transfer records between the various DoD activities. All such transfers are made in accordance with 552a(b)(1).

The Blanket Routine Use entitled: "Routine Use-Disclosure to Department of Health, Education, and Welfare" is being eliminated as it conflicts with the Office of Budget Management, "Revised Supplemental Guidance for Conducting Matching Programs" May 11, 1982. See 47 FR 21656, May 19, 1982.

The system notices for any DoD systems of records used in a matching programs will be specifically amended to reflect the agency, purpose and nature of any matches performed using any DoD records.

Finally, a new Blanket Routine Use entitled: "Routine Use-Disclosure to the Department of Justice for Litigation" is being added. This will permit the disclosure of DoD records to the Department of Justice for the purpose of representing the Department of Defense or any officer, employee or member of the Department in pending or potential civil litigation.

The text of the new Blanket Routine Use is as follows:

*"Routine Use-Disclosure to the Department of Justice for Litigation"*

A record from a system of records maintained by this Component may be disclosed as a routine use to any component of the Department of Justice for the purpose of representing the

Department of Defense, or any officer, employee or member of the Department in pending or potential litigation to which the record is pertinent."

Dated: December 20, 1983.

**M. S. Healy,**  
*OSD Federal Register Liaison Officer,*  
*Department of Defense.*

[FR Doc. 83-34243 Filed 12-23-83; 8:45 am]

**BILLING CODE 3810-01-M**

### **Defense Science Board Task Force on Fire Support for Amphibious Warfare; Notice of Advisory Committee Meeting**

The Defense Science Board Task Force on Fire Support for Amphibious Warfare will meet in closed session on 23-24 January 1984 in the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

At the meeting on 23-24 January 1984 the Task Force will review their findings on the basic requirements for fire support during amphibious warfare operations and discuss the preparation of their final report.

In accordance with Section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92-463, as amended (5 U.S.C. App. I, (1976)), it has been determined that this DSB Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly these meetings will be closed to the public.

Dated: December 21, 1983.

**M. S. Healy,**  
*OSD Federal Register Liaison Officer,*  
*Department of Defense.*

[FR Doc. 83-34294 Filed 12-23-83; 8:45 am]

**BILLING CODE 3810-01-M**

### **Department of the Air Force**

#### **Public Information Collection Requirement Submitted to OMB for Review**

The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of submission; (2) Title of information collection and form number, if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of

respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of the information proposal may be obtained.

#### **Existing Collection in Use Without an OMB Control Number**

##### **Office Training School Accessions Forms**

These forms are used by Air Force recruiters in the processing of civilian applicants for entry into the Air Force Officer Training School program. Recruiters use the forms to collect or record information pertinent to the applicant's qualifications for appointment and future assignment.

All applicants for the Officer Training School program: 3,710 applicants, 7,420 hours.

Forward comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington DC 20503, and John Wenderoth, DOD Clearance Officer, WHS/DIOR, Room 1C535, Pentagon, Washington DC 20301, telephone (202) 694-0187.

A copy of the information collection proposal may be obtained from MSGT Thomas H. Minton, HQ USAFRS/RSOPA, Randolph AFB TX 78150, telephone (512) 652-6188.

Dated: December 21, 1983.

**M. S. Healy,**  
*OSD Federal Register Liaison Officer,*  
*Department of Defense.*

[FR Doc. 83-34289 Filed 12-23-83; 8:45 am]

**BILLING CODE 3901-01-M**

#### **Public Information Collection Requirement Submitted to OMB for Review**

The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of submission; (2) Title of information collection and form number, if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of

the information proposal may be obtained.

#### Existing Collection in Use Without an OMB Control Number

##### Nonprior Service/Prior Service Accessions Forms

These forms are used by Air Force recruiters in the processing of civilian applicants for Air Force enlistment programs. Recruiters use the forms to collect or record information pertinent to the applicant's qualifications for enlistment, classification, and future assignment.

All applicants for the Nonprior Service/Prior Service programs: 61,000 applicants, 61,000 hours.

Forward comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, DC 20503, and John Wenderoth, DOD Clearance Officer, WHS/DIOR, Room 1C535, Pentagon, Washington, DC 20301, telephone (202) 694-0187.

A copy of the information collection proposal may be obtained from MSGT Thomas H. Minton, HQ USAFRS/RSOPA, Randolph AFB TX 78150, telephone (512) 652-8188.

Dated: December 21, 1983.

M. S. Healy,  
*OSD Federal Register, Liaison Officer,  
Department of Defense.*

[FR Doc. 83-34270 Filed 12-23-83; 8:45 am]

BILLING CODE 3910-01-M

#### Public Information Collection Requirement Submitted to OMB for Review

The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of submission; (2) Title of information collection and form number, if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of the information proposal may be obtained.

#### Existing Collection in Use Without an OMB Control Number

##### Health Professions Accessions Forms

These forms are used by Air Force

recruiters in the processing of civilian applicants for entry into the Air Force Health Professions career fields. Recruiters use the forms to collect or record information pertinent to the applicant's qualifications for appointment, classification, and future assignment.

All applicants for the Health Professions programs: 989 applicants, 1,068 hours.

Forward comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington DC 20503, and John Wenderoth, DOD Clearance Officer, WHS/DIOR, Room 1C535, Pentagon, Washington DC 20301, telephone (202) 694-0187.

A copy of the information collection proposal may be obtained from MSGT Thomas H. Minton, HQ USAFRS/RSOPA, Randolph AFB TX

Dated: December 21, 1983.

M. S. Healy,  
*OSD Federal Register, Liaison Officer,  
Department of Defense.*

[FR Doc. 83-34271 Filed 12-23-83; 8:45 am]

BILLING CODE 3910-01-M

#### Department of the Army

##### Army Science Board; Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates of meeting: Thursday and Friday, January 26 & 27, 1984.

Times: 0930-1700 hours on 26 January (Closed), 0830-1700 hours on 27 January (Closed).

Place: The Pentagon, Washington, D.C.

Agenda: The Army Science Board Ad Hoc Subgroup on Ballistic Missile Defense Follow-On will meet for classified briefings and discussions reviewing technology and specific critical issues developed during the Defensive Technologies study effort in the summer of 1983. The subgroup is tasked with a comprehensive review of tracking and discrimination issues impacting on program development. This meeting will be closed to the public in accordance with Section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C. Appendix 1, subsection 10(d). The classified and nonclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The Army Science Board Administrative Officer, Sally A. Warner, may be contacted for further information at (202) 695-3039 or 697-9703.

Sally A. Warner,  
*Administrative Officer.*

[FR Doc. 83-34280 Filed 12-23-83; 8:45 am]

BILLING CODE 3710-08-M

#### Public Information Collection Requirement Submitted to OMB for Review

The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of the information proposal may be obtained.

#### Extension

Record of Arrival and Departures of Vessels at Marine Terminals, ENG Form 3926

The Corps of Engineers utilizes ENG Form 3926 in conjunction with ENG Form 3925 as its basic source of input to conduct its Waterborne Commerce Statistics program. The annual publication "Waterborne Commerce of the United States, Parts 1-5" are the result of said statistics program. Respondents are vessel owners/operators.

Businesses or organizations: 600 respondents, 3,600 hours.

Forward comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, D.C. 20503, and John Wenderoth, DOD Clearance Officer, WHS/DIOR, Room 1C535, Pentagon, Washington, D.C. 20301, telephone (202) 694-0187.

A copy of the information collection proposal may be obtained from David O. Cochran, DAAG-OPI, Room 1D667, Pentagon, Washington, D.C. 20310, telephone (202) 695-5111.

Dated: December 21, 1983.

M. S. Healy,  
*OSD Federal Register Liaison Officer,  
Department of Defense.*

[FR Doc. 83-34301 Filed 12-23-83; 8:45 am]

BILLING CODE 3710-08-M



**Department of the Navy****Public Information Collection Requirement Submitted to OMB for Review**

The Department of the Navy has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of Submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of the information proposal may be obtained.

**Existing Collection (Not Approved by OMB)****Strong-Campbell Interest Inventory**

This information is required in order to predict a candidate's voluntary selection of a major for admission into the Academy.

Submitted by candidate: 10,000 responses, 3,333 hours.

Forward comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, D.C. 20503, and John V. Wenderoth, DOD Clearance Officer, WHS/DIOR, Room 1C535, Pentagon, Washington, D.C. 20301, telephone (202) 694-0187.

A copy of the information collection proposal may be obtained from Nick Pantelides, Admissions Office, U.S. Naval Academy, Annapolis, Maryland, telephone (301) 267-4361, extension 39.

Dated: December 21, 1983.

**M. S. Healy,**  
*OSD Federal Register Liaison Officer,*  
*Department of Defense.*

[FR Doc. 83-34266 Filed 12-23-83; 8:45 am]

**BILLING CODE 3810-01-M**

**Public Information Collection Requirement Submitted to OMB for Review**

The Department of the Navy has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of Submission; (2) Title of Information

Collection and Form Number if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of the information proposal may be obtained.

**Existing Collection (Not Approved by OMB)****Naval Academy Precandidate Questionnaire Proposed USNA Form**

This information is required in order to evaluate a precandidate's qualifications for admission into the Academy.

Precandidates applying for admission to the Academy, 14,000 responses, 7,000 hours.

Forward comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, D.C. 20503, and John V. Wenderoth, DOD Clearance Officer, OASD(C), IRMS, IRAD, Room 1C535, Pentagon, Washington, D.C. 20301, telephone (202) 694-0187.

A copy of the information collection proposal may be obtained from Nick Pantelides, Admissions Office, U.S. Naval Academy, Annapolis, Maryland, telephone 301-267-4361, extension 39.

**M. S. Healy,**  
*OSD Federal Register Liaison Officer,*  
*Department of Defense.*

[FR Doc. 83-34267 Filed 12-23-83; 8:45 am]

**BILLING CODE 3810-01-M**

**Public Information Collection Requirement Submitted to OMB for Review**

The Department of the Navy has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of Submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of

the information proposal may be obtained.

**Existing Collection (Not Approved by OMB)****Naval Academy School Official's Evaluation of Candidate**

This information is required in order to further evaluate a candidate's predicted academic/military performance for admission into the Academy.

School officials well-acquainted with the candidate and upon candidate's request: 20,000 responses, 6,666 hours.

Forward comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, D.C. 20503, and John V. Wenderoth, DOD Clearance Officer, WHS/DIOR, Room 1C535, Pentagon, Washington, D.C. 20301, telephone (202) 694-0187.

A copy of the information collection proposal may be obtained from Nick Pantelides, Admissions Office, U.S. Naval Academy, Annapolis, Maryland, telephone (301) 267-4361, extension 39.

Dated: December 21, 1983.

**M. S. Healy,**  
*OSD Federal Register Liaison Officer,*  
*Department of Defense.*

[FR Doc. 83-34295 Filed 12-23-83; 8:45 am]

**BILLING CODE 3810-01-M**

**Public Information Collection Requirement Submitted to OMB for Review**

The Department of the Navy has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of Submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of the information proposal may be obtained.

**Existing Collection (Not Approved by OMB)****Naval Academy Request for Secondary School Transcript Proposed USNA Form**

This information is required in order to evaluate a candidate's academic

performance for admission into the Academy.

School officials well-acquainted with the candidate and upon candidate's request: 10,000 responses, 3,333 hours.

Forward comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, D.C. 20503, and John V. Wenderoth, DOD Clearance Officer, WHS/DIOR, Room 1C535, Pentagon, Washington, D.C. 20301, telephone (202) 694-0187.

A copy of the information collection proposal may be obtained from Nick Pantelides, Admissions Office, U.S. Naval Academy, Annapolis, Maryland, telephone (301) 267-4361, extension 39.

Dated: December 21, 1983.

**M. S. Healy,**

*OSD Federal Register Liaison Officer,  
Department of Defense.*

[FR Doc. 83-34296 Filed 12-23-83; 8:45 am]

**BILLING CODE 3810-01-M**

#### **Public Information Collection Requirement Submitted to OMB for Review**

The Department of the Navy has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of Submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of the information proposal may be obtained.

#### **Existing Collection (Not Approved by OMB)**

Naval Academy Candidate Activities  
Record  
Proposed USNA Form

This information is required in order to evaluate a candidate's athletic and nonathletic activities for admission into the Academy.

School officials well-acquainted with the candidate and upon candidate's request: 10,000 responses, 5,000 hours.

Forward comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, D.C. 20503, and John V. Wenderoth, DOD Clearance Officer, WHS/DIOR, Room 1C535,

Pentagon, Washington, D.C. 20301, telephone (202) 694-0187.

A copy of the information collection proposal may be obtained from Nick Pantelides, Admissions Office, U.S. Naval Academy, Annapolis, Maryland, telephone (301) 267-4361, extension 39.

Dated: December 21, 1983.

**M. S. Healy,**

*OSD Federal Register Liaison Officer,  
Department of Defense.*

[FR Doc. 83-34297 Filed 12-23-83; 8:45 am]

**BILLING CODE 3810-01-M**

#### **Public Information Collection Requirement Submitted to OMB for Review**

The Department of the Navy has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of Submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of the information proposal may be obtained.

#### **Existing Collection (Not Approved by OMB)**

Naval Academy Candidate Personal  
Data Record  
Proposed USNA Form

This information is required in order to evaluate a candidate's personal background for admission into the Academy.

Submitted by candidate: 10,000 responses, 5,000 hours.

Forward comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, D.C. 20503, and John V. Wenderoth, DOD Clearance Officer, WHS/DIOR, Room 1C535, Pentagon, Washington, D.C. 20301, telephone (202) 694-0187.

A copy of the information collection proposal may be obtained from Nick Pantelides, Admissions Office, U.S. Naval Academy, Annapolis, Maryland, telephone (301) 267-4361, extension 39.

Dated: December 21, 1983.

**M. S. Healy,**

*OSD Federal Register Liaison Officer,  
Department of Defense.*

[FR Doc. 83-34298 Filed 12-23-83; 8:45 am]

**BILLING CODE 3810-01-M**

#### **Public Information Collection Requirement Submitted to OMB for Review**

The Department of the Navy has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of Submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of the information proposal may be obtained.

#### **Existing Collection (Not Approved by OMB)**

Naval Academy Physical Aptitude  
Examination Score Sheet

This information is required in order to evaluate a candidate's aptitude for the physical education program at the Academy.

Physical Education instructors and upon candidate's request: 10,000 responses, 5,000 hours.

Forward comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, D.C. 20503, and John V. Wenderoth, DOD Clearance Officer, WHS/DIOR, Room 1C535, Pentagon, Washington, D.C. 20301, telephone (202) 694-0187.

A copy of the information collection proposal may be obtained from Nick Pantelides, Admissions Office, U.S. Naval Academy, Annapolis, Maryland, telephone (301) 267-4361, extension 39.

Dated: December 21, 1983.

**M. S. Healy,**

*OSD Federal Register Liaison Officer,  
Department of Defense.*

[FR Doc. 83-34299 Filed 12-23-83; 3:45 am]

**BILLING CODE 3810-01-M**



### Public Information Collection Requirement Submitted to OMB for Review

The Department of the Navy has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of Submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of the information proposal may be obtained.

#### Existing Collection (Not Approved by OMB)

Naval Academy Candidate's Academic Interest and Current Studies Form and Personal Statement

This information is required in order to evaluate a candidate's academic and leadership potential for admission into the Academy.

Submitted by candidate: 10,000 responses, 10,000 hours.

Forward comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, D.C. 20503, and John V. Wenderoth, DOD Clearance Officer, WHS/DIOR, Room 1C535, Pentagon, Washington, D.C. 20301, telephone (202) 694-0187.

A copy of the information collection proposal may be obtained from Nick Pantelides, Admissions Office, U.S. Naval Academy, Annapolis, Maryland, telephone (301) 267-4361, extension 39.

Dated: December 21, 1983.

**M. S. Healy,**  
OSD Federal Register Liaison Office,  
Department of Defense.

[FR Doc. 83-34300 Filed 12-23-83; 8:45 am]

**BILLING CODE 3810-01-M**

### Naval Research Advisory Committee, Panel on Hospital Care; Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Naval Research Advisory Committee Panel on Hospital Care will meet on January 12-13, 1984, at the Office of Naval Research, Arlington, Virginia.

The first session of the meeting will commence at 8:30 a.m. and terminate at 10:30 a.m. on January 12, 1984. The second session will commence at 10:30 a.m. and terminate at 12:00 noon on January 12, 1984. The third session will commence at 12:00 noon and terminate at 4:00 p.m. on January 12, 1984. The fourth session will commence at 8:30 a.m. and terminate at 3:30 p.m. on January 13, 1984. All sessions of the meeting will be held in room 915, Office of Naval Research. The second session from 10:30 a.m. to 12:00 noon on January 12, 1984, will be open to the public. The remaining three sessions will be closed to the public.

The purpose of the meeting is to identify critical medical issues in support of Marine Corps amphibious operations and sustained operations ashore in a conventional warfare environment. The open session will generally cover a presentation on Navy medical training. The remaining sessions of the meeting will consist of presentations and discussions of classified information that is specifically authorized under criteria established by Executive order to be kept secret in the interest of national defense and is, in fact, properly classified pursuant to such Executive order. The Secretary of the Navy has therefore determined in writing that the public interest requires that the first, third, and fourth sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting contact: Commander M. B. Kelley, U.S. Navy, Office of Naval Research (Code 100N), 800 North Quincy Street, Arlington, Virginia 22217. Telephone: (202) 696-4870.

Dated: December 20, 1983.

**F. N. Ottie,**  
Lieutenant Commander, JAGC, U.S. Navy,  
Alternate Federal Register Liaison Officer.

[FR Doc. 83-34180 Filed 12-23-83; 8:45 am]

**BILLING CODE 3810-AE-M**

### DEPARTMENT OF EDUCATION

#### National Advisory Council on Women's Educational Programs; Meeting

**AGENCY:** National Advisory Council on Women's Educational Programs.

**ACTION:** Amendment of Notice.

**SUMMARY:** This document is intended to notify the general public of changes in the notice of a joint meeting of the National Advisory Council on Women's Educational Programs Executive Committee and the Committee on

Standing Committees as published in the Federal Register December 19, 1983 on page 56105. The date is changed to January 6, 1984. The location remains the same. This is also to notify the public of a change of agenda for the Executive Committee to hold a partially closed meeting.

#### FOR FURTHER INFORMATION CONTACT:

Sharon Petersen, Special Assistant to the Executive Director, National Advisory Council on Women's Educational Programs, 425 13th Street, N.W., Suite 416, Washington, D.C., 20004, (202) 376-1038.

**SUPPLEMENTARY INFORMATION:** The National Advisory Council on Women's Educational Programs joint meeting of the Executive Committee and Committee on Standing Committees will be held January 6, 1984, at the Council office, 425 13th Street, N.W., Suite 416, Washington, D.C. 20004, from 9:00 a.m. until 2:00 p.m. The Executive Committee will meet in closed session from 2:00 p.m. and continue until business is completed. The Executive Committee will be completing a review of staff performance. The review and subsequent discussion will include information that relates solely to the internal personnel rules and practices of the agency and will disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy. Such matters are protected by exemptions (2) and (6) of Section 552b (c) of Title 5 U.S.C.

A summary of the activities of the closed session and related matters which would be informative to the public consistent with the policy of Section 552b (c) of Title 5 U.S.C. will be available to the public within 14 days of the meeting at the Council's office, 425 13th Street, N.W., Suite 416, Washington, D.C. 20004.

Signed at Washington, D.C., on December 21, 1983.

**Sharon Petersen,**  
Acting Executive Director.

[FR Doc. 83-34275 Filed 12-23-83; 8:45 am]

**BILLING CODE 4000-01-M**

### DEPARTMENT OF ENERGY

#### Office of Assistant Secretary for International Affairs

#### International Atomic Energy Agreement, Civil Uses; Proposed Subsequent Arrangement between U.S. and Euratom

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42

U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended, and the Agreement for Cooperation Between the Governments of the United States of America and Japan Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreements involves approval of the retransfer of a fission counter containing 0.18 grams of uranium, enriched to 93.16% in U-235, from Japan to the Federal Republic of Germany, following repair in Japan.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

Dated: December 20, 1983.

For the Department of Energy.

George J. Bradley, Jr.,

*Principal Deputy Assistant Secretary for International Affairs.*

[FR Doc. 83-34201 Filed 12-23-83; 8:45 am]

BILLING CODE 6450-01-M

#### **International Atomic Energy Agreements; Civil Uses; Proposed Subsequent Arrangement Between U.S. and EURATOM**

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval of the following sale:

Contract Number S-EU-791, to the Compagnie Miniere Dong-Trieu, France, 42.4 grams of natural uranium for use as standard reference material.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

Dated: December 20, 1983.

For the Department of Energy.

George J. Bradley, Jr.,

*Principal Deputy Assistant Secretary for International Affairs.*

[FR Doc. 83-34199 Filed 12-23-83; 8:45 am]

BILLING CODE 6450-01-M

#### **International Atomic Energy Agreement; Civil Uses; Proposed Subsequent Arrangement Between U.S. and Peru**

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Peru Concerning Peaceful Uses of Nuclear Energy.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval of the following sale:

Contract Number S-IA-127, to the Institute Peruano de Energia Nuclear, Lima, Peru, 4 grams of uranium, enriched to an average of 9 percent in U-235, for use as standard reference materials.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

Dated: December 20, 1983.

For the Department of Energy.

George J. Bradley, Jr.,

*Principal Deputy Assistant Secretary for International Affairs.*

[FR Doc. 83-34202 Filed 12-23-83; 8:45 am]

BILLING CODE 6450-01-M

#### **Office of Conservation and Renewable Energy**

[Docket Nos. CE-CP-SPRM, 006-029]

#### **Energy Conservation Program for Consumer Products; State Notices of Petition**

**AGENCY:** Office of Conservation and Renewable Energy.

**ACTION:** Announcement of Receipt of State Notices of Intent to Petition DOE for Exemption of State Standards for Six Products.

**SUMMARY:** The Department of Energy has received written notification from 24 states of their intent to petition the Secretary of Energy for a rule exempting from Federal preemption each State's applicable energy efficiency or energy use regulations for one or more of the following products: refrigerators and refrigerator-freezers, freezers, water heaters, room air conditioners, central air conditioners and furnaces.

Twenty of the States indicate that their petitions will request exemption for State standards covering four of the products: water heaters, room air conditioners, central air conditioners and furnaces. Two States, New York and California, indicate that their petitions will cover furnaces, water heaters, room air conditioners, central air conditioners, freezers, refrigerators, and refrigerator-freezers; Illinois' notification covers water heaters, central air conditioners and furnaces; and Washington's did not specify which products will be included in its petition.

The following is a list of the States from which DOE has received written notice of intent to petition. Each State notice has been assigned a docket number with the prefix CE-CP-SPRM and an identifying State number. For example, the docket number for Arkansas is CE-CP-SPRM-AR006.

| State               | Docket No.<br>CE-CP-SPRM- | Refrigeration<br>refrigeration-<br>freezer | Freezer | Water heater | Room air<br>conditioner | Central air<br>conditioner | Furnace |
|---------------------|---------------------------|--|---------|--------------|-------------------------|----------------------------|---------|
| Arkansas.....       | AR006.....                |  |         | X.....       | X.....                  | X.....                     | X.....  |
| Virginia.....       | VA007.....                |  |         | X.....       | X.....                  | X.....                     | X.....  |
| Florida.....        | FL008.....                |  |         | X.....       | X.....                  | X.....                     | X.....  |
| Pennsylvania.....   | PA009.....                |  |         | X.....       | X.....                  | X.....                     | X.....  |
| Wisconsin.....      | WI010.....                |  |         | X.....       | X.....                  | X.....                     | X.....  |
| Puerto Rico.....    | PR011.....                |  |         | X.....       | X.....                  | X.....                     | X.....  |
| South Carolina..... | SC012.....                |  |         | X.....       | X.....                  | X.....                     | X.....  |
| New Mexico.....     | NM013.....                |  |         | X.....       | X.....                  | X.....                     | X.....  |
| Georgia.....        | GA014.....                |  |         | X.....       | X.....                  | X.....                     | X.....  |
| Rhode Island.....   | RI015.....                |  |         | X.....       | X.....                  | X.....                     | X.....  |
| New Hampshire.....  | NH016.....                |  |         | X.....       | X.....                  | X.....                     | X.....  |
| Massachusetts.....  | MA017.....                |  |         | X.....       | X.....                  | X.....                     | X.....  |
| California.....     | CA018.....                | X.....                                     | X.....  | X.....       | X.....                  | X.....                     | X.....  |

| State         | Docket No.<br>CE-CP-SPRM | Refrigeration<br>refrigeration-<br>freezer | Freezer | Water heater | Room air<br>conditioner | Central air<br>conditioner | Furnace |
|---------------|--------------------------|--|---------|--------------|-------------------------|----------------------------|---------|
| Oregon        | OR019                    |  |         | X            | X                       | X                          | X       |
| New York      | NY020                    | X  | X       | X            | X                       | X                          | X       |
| Missouri      | MO021                    |  |         | X            | X                       | X                          | X       |
| Texas         | TX022                    |  |         | X            | X                       | X                          | X       |
| New Jersey    | NJ023                    |  |         | X            | X                       | X                          | X       |
| Illinois      | IL024                    |  |         | X            | X                       | X                          | X       |
| Utah          | UT025                    |  |         | X            | X                       | X                          | X       |
| Iowa          | IA026                    |  |         | X            | X                       | X                          | X       |
| West Virginia | WV027                    |  |         | X            | X                       | X                          | X       |
| Minnesota     | MN028                    |  |         | X            | X                       | X                          | X       |
| Washington    | WA029                    |  |         | X            | X                       | X                          | X       |

**FOR FURTHER INFORMATION CONTACT:**

Michael J. McCabe, U.S. Department of Energy, Office of Conservation and Renewable Energy, Mail Station CE-112.1, Rm. GF-217, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252-9127

Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Mail Station GC-33, Rm. 6B-144, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252-9513.

**SUPPLEMENTARY INFORMATION:** On August 30, 1983, DOE issued a Final Rule (48 FR 39376) with respect to refrigerators and refrigerator-freezers, freezers, water heaters, room air conditioners, central air conditioners and furnaces. For each of these products, except central air conditioners, DOE determined that an energy efficiency standard would not result in a significant conservation of energy and would not be economically justified. With respect to central air conditioners, DOE found that an energy efficiency standard would result in significant conservation of energy but would not be economically justified. In an earlier Final Rule (47 FR 57198), published on December 22, 1982, DOE set forth the procedures by which States may obtain exemption for State or local efficiency standards that are statutorily preempted as a result of a final rule with respect to energy efficiency standards. A State may submit a notice of petition within 60 days after publication of a final standard and a complete petition within 120 days after publication of such a final standard. The deadline for submitting a notice of petition in regard to any of the six products was before October 31, 1983. The deadline for submitting a full petition is before December 28, 1983.

After this time period, any State may of course submit a petition for exemption; however, the State or local standard could not be in effect until DOE granted the State's petition.

Issued in Washington, D.C., December 16, 1983.

Pat Collins,

*Acting Assistant Secretary, Conservation and Renewable Energy.*

[FR Doc. 83-34311 Filed 12-23-83; 8:45 am]

**BILLING CODE 6450-01-M**

**Economic Regulatory Administration**

[Docket No. ERA-FC-83-026 [OFC Case No. 55376-9241-20-24]]

**Powerplant and Industrial Fuel Use; Prohibition Orders, Exemption Requests; Nekoosa Papers, Inc.**

**AGENCY:** Economic Regulatory Administration, Energy.

**ACTION:** Order Granting to Nekoosa Papers, Inc. an Exemption from the Prohibitions of the Powerplant and Industrial Fuel Use Act of 1978.

**SUBJECT:** The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice that it has granted a permanent cogeneration exemption from the prohibitions of Title II of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301 *et seq.*) ("FUA" or "the Act") to Nekoosa Papers, Inc. (Nekoosa). The cogeneration exemption permits the use of natural gas and/or distillate fuel oil as the primary energy source in a package boiler (hereafter referred to as Ashdown 2) at its Ashdown, Arkansas, pulp and paper mill facility. The final exemption order and detailed information on the proceeding is provided in the **SUPPLEMENTARY INFORMATION** section below.

**DATES:** The order shall take effect on February 25, 1984. (section 702(a), FUA).

The public file containing a copy of the order, other documents and supporting materials on this proceeding is available for inspection upon request at: Department of Energy Freedom of Information Reading Room, 1000 Independence Avenue, S.W., Room 1E-190, Washington, D.C. 20585, from 8:00 to 4:00 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:**

Robert A. McCann, Office of Fuels Programs, Economic Regulatory Administration, Forrestal Building, Room GA-033, 1000 Independence Avenue SW., Washington, D.C. 20585, Phone (202) 252-1649

Marya Rowan, Office of General Counsel, Department of Energy, Forrestal Building, Room 6B-235, 1000 Independence Avenue SW., Washington, D.C. 20585, Phone (202) 252-2967.

**SUPPLEMENTARY INFORMATION:** On September 27, 1983, Nekoosa petitioned ERA under section 212(c) of FUA and 10 CFR 503.37 for a permanent cogeneration exemption to permit the use of natural gas and/or petroleum as the primary energy source in a package boiler (Ashdown 2) to produce electricity and steam at Nekoosa's Ashdown, Arkansas, pulp and paper mill facility. At ERA's request, Nekoosa filed additional data and information on October 18, and October 28, 1983. Ashdown 2 is rated at 150,000 pounds of steam per hour and operated at 850 psig. Together with five existing boilers, it will feed a common 850 psig steam header that drives two turbine generators. It is designed to burn natural gas or oil. At present, the net annual electric generation of the Ashdown cogeneration facility is used at the pulp and paper mill, and the resulting increase is electric power generated through the planned use of Ashdown 2 will be consumed on site. Accordingly, under ERA's definition set forth in 10 CFR 500.2, Ashdown 2 is a major fuel burning installation.

**Basis for Permanent Exemption Order**

The permanent exemption order is based upon the evidence in the record including Nekoosa's certifications to ERA, as required by 10 CFR 503.37(a)(1), that:

1. The oil or gas to be consumed by the cogeneration facility will be less than that which would otherwise be consumed in the absence of the cogeneration facility, where the calculation of savings is in accordance with § 503.37(b) of the final rules; and
2. The use of a mixture of either petroleum or natural gas and an alternate fuel in the cogeneration facility for which an exemption under § 503.38 of the final rules would be available, would not be economically or technically feasible.

**Procedural Requirements**

In accordance with the procedural requirements of section 701(c) of FUA and 10 CFR 501.3(b), ERA published its

Notice of Acceptance of the Petition and Availability of Certification in the **Federal Register** on November 3, 1983 (48 FR 50786), commencing a 45-day public comment period.

A copy of the petition was provided to the Federal Trade Commission and the the Environmental Protection Agency for comments as required by section 701(f) and (g) of the Act. During the comment period, interested persons were also afforded an opportunity to request a public hearing. The comment period closed on December 19, 1983; no comments were received and no hearing was requested.

#### NEPA Compliance

After review of Nekoosa's environmental impact analysis and other relevant information, ERA has determined that the granting of the requested exemption does not constitute a major federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act.

#### Order Granting Permanent Cogeneration Exemption

Based upon the entire record of this proceeding, ERA has determined that Nekoosa has satisfied the eligibility requirements for the requested permanent exemption, as set forth in 10 CFR 503.37. Therefore, pursuant to section 212(c) FUA, ERA hereby grants a permanent cogeneration exemption to Nekoosa to permit the use of natural gas and/or distillate fuel oil in a package boiler (Ashdown 2) to produce electricity and steam at its Ashdown, Arkansas, pulp and paper mill facility.

Pursuant to section 702(c) of the Act and 10 CFR 501.69 any person aggrieved by this order may petition for judicial review thereof at any time before the 60th day following the publication of this order in the **Federal Register**.

Issued in Washington, D.C. on December 20, 1983.

Robert L. Davies,

Director, Petroleum and Electricity Division,  
Office of Fuels Programs, Economic  
Regulatory Administration.

[FR Doc. 83-34312 Filed 12-23-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83-06-NG]

#### Northwest Pipeline Corp.; Application to Amend Authorization To Import Natural Gas From Canada

**AGENCY:** Department of Energy,  
Economic Regulatory Administration.

**ACTION:** Notice of application to amend Current Natural Gas Import Authorization and to extend the Term of the Authorization.

**SUMMARY:** The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of receipt on September 8, 1983, of an application from Northwest Pipeline Corporation (Northwest) to amend its current import authorization in certain respects and to extend the term of that authorization. Specifically, Northwest requests import authority to transfer to Kingsgate, British Columbia, up to 100,000 Mcf per day from the presently authorized volumes received at Sumas, Washington, to be effective April 1, 1983, through October 31, 1989. The total volumes available for import would remain the same. In addition, Northwest requests an extension of its authorization in order to continue imports from Canada at Kingsgate and Sumas for three years, from November 1, 1989, through October 31, 1992, consistent with Export License GL-94 issued by the Canadian National Energy Board (NEB).

The application is filed with the ERA pursuant to section 3 of the Natural Gas Act and DOE Delegation Order No. 0204-54.

Protests or petitions to intervene are invited.

**DATES:** Protests or petitions to intervene are to be filed no later than 4:30 p.m. on January 26, 1984.

#### FOR FURTHER INFORMATION CONTACT:

Olga T. Ronkovich, Case Management Branch, Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration, 1000 Independence Avenue, S.W., Forrestal Building, Room GA-007, Washington, D.C. 20585; (202) 252-9482; and Diane J. Stubbs, Office of General Counsel, Natural Gas and Mineral Leasing, Department of Energy, 1000 Independence Avenue, S.W., Forrestal Building, Room 6E-042, Washington, D.C. 20585; (202) 252-6667.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Northwest currently imports Canadian natural gas at Sumas and Kingsgate from Westcoast Transmission Company (Westcoast) under separate import authorizations. Gas received at Sumas enters the United States through Northwest's pipeline. Deliveries at Kingsgate are transported through the facilities of Pacific Gas Transmission Company (PGT) for the account of Northwest. A portion of the gas PGT carries for Northwest is delivered

directly to Northwest's customers. The remaining gas is transported and delivered by PGT to Northwest at the interconnection of their pipeline systems at Spokane, Washington, and Stanfield, Oregon.

#### A. Imports Through Sumas

A series of import authorizations precedes the current request from Northwest in this docket. The Sumas importation was initiated by Pacific Northwest Pipeline Corporation (Pacific) in 1955 under authorization granted by the Federal Power Commission (FPC) in Docket No. G-8932 (14 FPC 157). In 1959, Pacific and El Paso Natural Gas Company (El Paso) merged and the import was continued by El Paso under FPC authority granted initially in Docket No. G-13019 (22 FPC 1091 and 28 FPC 7), and later under authority granted in Docket No. CP70-138, as amended (43 FPC 723 and 45 FPC 252). By order of the FPC issued September 21, 1973, in Docket No. CP73-332 (50 FPC 825), Northwest was authorized, *inter alia*, to acquire and operate the facilities of El Paso's Northwest System Division and to continue the importation of natural gas from Canada at the Sumas import point through October 31, 1989.

Northwest states that it is currently authorized to import at Sumas up to 809,200 Mcf of natural gas per day that is delivered and sold by Westcoast under a contract referred to as the Fourth Service Agreement. Westcoast is authorized to export this gas from Canada into the United States under NEB License No. GL-41.

On March 31, 1983, the Governor-in-Council, as recommended by the NEB, amended License No. GL-41 to increase the maximum daily, annual, and term quantities available for export by Westcoast through October 31, 1989, and to add Kingsgate as an additional export point for up to 100,000 Mcf per day. At the same time, Westcoast was issued a new license. Export License No. GL-94, to replace License No. GL-41 commencing November 1, 1989. Under License No. GL-94, Westcoast is authorized to export natural gas at Sumas and Kingsgate, with Kingsgate exports limited to 100,000 Mcf per day, according to the following schedule:

(a) For the period November 1, 1989, through October 31, 1990, 434.7 MMcf per day and 145.45 Bcf annually;

(b) For the period November 1, 1990, through October 31, 1991, 272.8 MMcf per day and 90.75 Bcf annually; and

(c) For the period November 1, 1991, through October 31, 1992, 111.4 MMcf per day and 36.25 Bcf annually.

### B. Imports Through Kingsgate

Northwest, as successor to the interest of El Paso, also received authorization by the FPC in Docket No. CP73-332, *supra.*, to import natural gas from Canada at Kingsgate under a contract called the Kingsgate Agreement. The Canadian government authorized Westcoast to export the gas in License No. GL-4.

The ERA on December 21, 1981, issued DOE/ERA Opinion and Order No. 38 (Order 38) in Docket No. 81-31-NG, which amended the previous import authority granted to Northwest by the FPC. Order 38 authorized Northwest to import at Kingsgate during the period January 1, 1982, through October 31, 1987, up to 151,731 Mcf of natural gas per day and 51 Bcf annually, with a 25 percent phase down in the daily and annual quantities in each year after November 1, 1984. The authorization, as amended, is consistent with NEB Export License No. GL-4.

### II. Northwest's Application

In the present application, Northwest requests that the ERA amend its current import authorization to allow Northwest to transfer to Kingsgate up to 100,000 Mcf per day from the presently authorized volumes available at Sumas effective April 1, 1983, through October 31, 1989. The total volumes available for import would remain the same. Northwest also requests an extension of its current authorization at Sumas for three years from November 1, 1989, through October 31, 1992, including having available up to 100,000 Mcf per day at Kingsgate, in a manner consistent with Export License No. GL-94.

According to Northwest, the price to be paid for the gas is the rate established by the NEB for natural gas sold and exported by Westcoast under Export License No. GL-94, which is currently U.S. \$4.40 per MMBtu.

The Fourth Service Agreement between Northwest and Westcoast underlying this application does not contain a "take or pay" provision. Instead, it has a minimum bill obligation, unrelated to volume minimums. For any year, Northwest is obligated to pay an amount equal to the sum of the aggregate monthly demand charges applicable during such year, plus the product of the contract demand times 365 times the commodity charge times 86.25 percent. The monthly demand charge applicable during the extended import period is \$4.646 times the contract demand. The commodity charge in the agreement is 18 cents per Mcf, which under certain conditions may escalate by up to 2 cents. Another

factor affecting the minimum bill provision of the agreement is the stipulation that the commodity charge should be equal to, but not less than, 105 percent of the rate paid Westcoast by British Columbia Hydro and Power Authority computed at 100 percent load factor.

The Fourth Service Agreement also contains a make-up provision. If the volume of gas paid for by Northwest in any year (the deficiency volume) exceeds the volume received in that year, then the gas paid for but not taken will be delivered by Westcoast free of charge in the succeeding year until the full deficiency volume has been delivered.

Northwest indicates that it will continue to import the gas through PGT's existing facilities at Kingsgate and its own existing facilities at Sumas and that no new construction will be required.

Northwest submits that its proposal is consistent with the public interest because it will help ensure the maintenance of a long-term, reliable supply of natural gas for its existing customers. It is stated that the addition of Kingsgate as an import point for certain volumes currently authorized for import at Sumas would enable Northwest to offset the decline in volumes currently authorized for import at Kingsgate. Furthermore, it is alleged that extending the import is the most economical means of serving the market areas historically served by means of Sumas and Kingsgate, since the loss of the import would require Northwest to attempt to purchase substantial volumes of domestic reserves and make substantial facility modifications on its transmission system to deliver the gas to its customers in the region. Therefore, Northwest submits that the proposed import extension is necessary to maintain Northwest's ability to serve its market requirements and will not impair its ability to render natural gas service at reasonable rates to its existing customers.

Northwest has submitted an identical application to the Federal Energy Regulatory Commission (FERC) and that agency is considering in FERC Docket No. CP83-501-000 Northwest's request with respect to the place of entry of the gas pursuant to its authority under DOE Delegation Order No. 0204-55.

### Other Information

Any person wishing to become a party to the proceeding and to participate in any conference or hearing that might be convened must file a petition to intervene. Anyone may file a protest with respect to this application. The

filing of a protest will not necessarily make the party protesting a party to the proceeding. Protests will be considered in determining the appropriate action to be taken on the application.

All protests and petitions to intervene must meet the requirements that are specified by the regulations that were in effect on October 1, 1977, in 18 CFR 1.8 and 1.10. They should be filed with the Natural Gas Division; Economic Regulatory Administration; Room GA-007; RG-43; Forrestal Building; 1000 Independence Avenue, S.W.; Washington, D.C. 20585. All protests and petitions to intervene must be filed not later than 4:30 p.m., January 26, 1984.

A hearing will not be held unless a motion is made by a party or person seeking intervention and granted by the ERA, or if the ERA on its motion believes that a hearing is necessary or required. A person filing a motion must demonstrate how a hearing will advance the proceedings. If a hearing is scheduled, the ERA will provide notice to all parties and persons whose petitions to intervene are pending.

A copy of Northwest's application is available for inspection and copying in the Natural Gas Division Docket Room located in Room GA-007; Forrestal Building; 1000 Independence Avenue, S.W.; Washington, D.C. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C. on December 20, 1983.

**James W. Workman,**

*Director, Office of Fuels Programs, Economic Regulatory Administration.*

[FR Doc. 83-34203 Filed 12-23-83; 8:45 am]

**BILLING CODE 6450-01-M**

### Federal Energy Regulatory Commission

[Docket No. ER84-148-000]

### Allegheny Power Service Corp.; Filing

December 21, 1983.

The filing Company submits the following:

Take notice that on December 12, 1983, Allegheny Power Service Corporation (Allegheny) tendered for filing Schedule 1 (Revision 1) (Limited Term Power and Energy) and Schedule 2 (Supplemental Power and Energy) to the Interconnection Agreement, dated December 21, 1982, concerning limited term and supplemental power service among Monongahela Power Company (Monongahela), West Penn Power Company (West Penn), the Potomac

Edison Company (Potomac), and Potomac Electric Power Company (Buyer). These schedules compromise Supplement No. 1 to the Interconnection Agreement.

Allegheny states that the Agreement sets forth terms pursuant to which Monongahela, Potomac and West Penn will deliver to Buyer 200,000 kilowatts of limited term and energy and 50,000 kilowatts of supplemental power and energy for 1984 or such other amounts as the parties may agree on from time to time in 1984 and in future periods.

Allegheny requests an effective date of January 1, 1984, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before January 4, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 83-34302 Filed 12-23-83; 8:45 am]  
**BILLING CODE 6717-01-M**

**[Docket No. ER84-147-000]**

**Allegheny Power Service Corp.; Filing**

December 21, 1983.

The filing Company submits the following:

Take notice that on December 12, 1983, Allegheny Power Service Corporation (Allegheny) tendered for filing an Agreement concerning limited term and supplemental power service among Monongahela Power Company (Monongahela), The Potomac Edison Company (Potomac), West Penn Power Company (West Penn) and Delmarva Power & Light Company (Buyer).

Allegheny states that the Agreement sets forth terms pursuant to which Monongahela, Potomac and West Penn will deliver to Buyer 40,000 kilowatts of limited term power and energy and 10,000 kilowatts of supplemental power and energy for 1984 or such other amounts as the parties may agree on

from time to time in 1984 and in future periods.

Allegheny requests an effective date of January 1, 1984, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before January 4, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 83-34303 Filed 12-23-83; 8:45 am]  
**BILLING CODE 6717-01-M**

**[Docket No. ER84-149-000]**

**Central Hudson Gas & Electric Corp.; Filing**

December 21, 1983.

The filing Company submits the following:

Take notice that on December 12, 1983, Central Hudson Gas & Electric Corporation (Central Hudson) tendered for filing as a rate schedule an executed agreement dated November 2, 1983 between Central Hudson and the New York Power Authority. The proposed rate schedule provides for Electric Transmission Service and Standby Electric Service for generation associated with NYPA's Ashokan Hydro Electric Generating Plant.

Central Hudson states that the rate schedule provides for a monthly transmission charge of \$1.47 per kilowatt and a standby charge of \$8.32 per kilowatt per month during the summer and winter peak periods.

Central Hudson requests an effective date of November 1, 1983.

Copies of this filing have been served upon NYPA.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211,

385.214). All such motions or protests should be filed on or before January 4, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 83-34304 Filed 12-23-83; 8:45 am]  
**BILLING CODE 6717-01-M**

**[Docket No. ER84-150-000]**

**Central Vermont Public Service Corp.; Filing**

December 21, 1983.

The filing Company submits the following:

Take notice that on December 12, 1983, the Central Vermont Public Service Corporation (CVPS) tendered for filing as an initial rate schedule a System Exchange Agreement (the "Agreement") between the Public Service Company of New Hampshire (PSNH and CVPS). The Agreement, dated February 26, 1982, provides for the exchange of excess capacity and associated energy from the CVPS system for an equal amount of capacity from certain PSNH units.

PSNH shall pay to CVPS, for each month that an Exchange takes place, an "Energy Charge" which is the sum of all the energy charges calculated for each of those hours of each Exchange during such month. The energy charge for each hour of each Exchange during each month shall be the product of: (1) The kilowatthours of energy delivered by CVPS for such hour; and (2) the forecasted energy cost for such hour agreed to by the parties.

CVPS shall pay to PSNH, for each month an Exchange occurs, an Energy Charge which shall be the sum of each of the hourly Energy Charges for each of the hours of Exchange in such month. The hourly Energy Charge shall be the product of: (1) The NEPEX Replacement Fuel Price for the Exchange Units; (2) the full load average heat rate of the Exchange Units as recorded to NEPEX on Form NX12 (expressed in BTU/MWH); (3) the net energy output in NWH from the Exchange Units for such hour; and (4) the CVPS Entitlement Percentage in the Exchange Units for such hour divided by 100. CVPS shall not be obligated to pay for or take any deliveries of energy during any hours when the Exchange Unit(s) are



"operated out of rate" for the benefit of PSNH. "Operated out of rate" means the operation of the Exchange Unit(s) at a level above the economic level of output for such unit(s) as determined by NEPEX.

CVPS requests an effective date of July 9, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were served upon the Public Service Company of New Hampshire, the New Hampshire Public Utilities Commission and the Vermont Public Service Board.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before January 5, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 83-34305 Filed 12-23-83; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. ES84-23-000]

#### Illinois Power Co.; Application

December 21, 1983.

Take notice that on December 12, 1983, Illinois Power Company, filed an application seeking an order pursuant to Section 204 of the Federal Power Act, authorizing the issuance of not more than \$400 million of short-term notes to be issued from time to time with a final maturity date of not later than December 31, 1986.

Any person desiring to be heard or to make any protest with reference to said Application should, on or before January 11, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). The Application is on file with the

Commission and available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 83-34306 Filed 12-23-83; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. ER84-151-000]

#### Southern California Edison Co.; Filing

December 21, 1983.

The filing Company submits the following:

Take notice that on December 12, 1983, Southern California Edison Company (Edison) tendered for filing an agreement entitled Edison CDWR Interruptible Transmission Service Agreement", which has been executed by Edison and the State of California Department of Water Resources (CDWR).

Edison states that under the terms and conditions of the Agreement, Edison will make available to CDWR interruptible transmission service between Points of Receipt and corresponding Points of Delivery.

Edison further states that the Agreement is proposed to become effective when executed by the Parties and when accepted for filing by the Commission.

Copies of the filing were served upon the Public Utilities Commission of the State of California and the State of California Department of Water Resources.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before January 5, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 83-34307 Filed 12-23-83; 8:45 am]  
BILLING CODE 6717-01-M

#### ENVIRONMENTAL PROTECTION AGENCY

[WH-FRL 2495-8]

#### Draft General NPDES Permits for Oil & Gas Operations in the Inland Tidal Waters of the States of Texas and Louisiana; Fact Sheet

AGENCY: Environmental Protection Agency.

ACTION: Notice of draft general NPDES permits.

**SUMMARY:** The Regional Administrator of Region VI has decided to propose two draft general NPDES permits for certain dischargers in the Coastal Subcategory of the Oil & Gas Extraction Point Source Category. When finally issued, these general NPDES permits will establish effluent limitations, standards, prohibitions, and other conditions on discharges from certain oil and gas facilities. The facilities to be covered by these permits are located in inland tidal waters of the States of Texas and Louisiana.

**ADDRESSES:** These draft general permits are based on the administrative record available for public review in Region VI of the U.S. Environmental Protection Agency (EPA). The fact sheet sets forth the principal facts and the significant factual, legal and policy questions considered in the development of the draft permits. Copies of the draft permits are reprinted below.

**DATES:** Interested persons may submit comments on the draft general permits and administrative record to the address below no later than February 10, 1984. Regional Administrator, U.S. Environmental Protection Agency, Region VI, InterFirst Two Building, 1201 Elm Street, Dallas, Texas 75270.

**FOR FURTHER INFORMATION CONTACT:** Mark Satterwhite (6W-PS), U.S. Environmental Protection Agency, Region VI, InterFirst Two Building, 1201 Elm Street, Dallas, Texas 75270, Telephone: (214) 767-2765.

#### Fact Sheet and Supplementary Information

##### I. Background

A. *General Permits*—Section 301(a) of the Clean Water Act (the Act) provides that the discharge of pollutants is unlawful except in accordance with a National Pollutant Discharge Elimination System (NPDES) permit. In the past, such permits have generally been issued to individual dischargers. However, EPA's regulations authorize the issuance of general permits to categories of dischargers (§ 122.28,



Environmental Permit Regulations, 48 FR 14146 (April 1, 1983)). EPA may issue a single, general permit to a category of point sources located in the same geographic area whose discharges warrant similar pollution control measures. The Director of an NPDES permit program (in this case the Regional Administrator) is authorized to issue a general permit if there are a number of point sources operating in geographic areas that:

1. Involve the same or substantially similar types of operations;
2. Discharge the same types of wastes;
3. Require the same effluent limitations or operating conditions;
4. Require the same or similar monitoring requirements; and
5. In the opinion of the Director, are more appropriately controlled under a general permit than under individual permits.

As in the case of individual permits, violation of any condition of a general permit constitutes a violation of the Act and subjects the discharger to the penalties specified in section 309 of the Act. Any owner or operator authorized to discharge by a final general permit may be excluded from coverage by applying for an individual permit. This request may be made by submitting an NPDES permit application together with the reasons supporting the request to the Regional Administrator no later than 90 days following the issuance of a final general permit.

The Regional Administrator may require any person authorized to discharge by a final general permit to apply for and obtain an individual permit. In addition, any interested person may petition the Regional Administrator to take this action. However, an individual permit will not be issued for any facility covered by a general permit unless it can be demonstrated that inclusion under a general permit is clearly inappropriate. The Regional Administrator may consider the issuance of individual permits according to the criteria in § 122.28(b)(2). These criteria include:

1. The discharge(s) is a significant contributor of pollution;
2. The discharger is not in compliance with the terms and conditions of the general permit;
3. A change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source;
4. Effluent limitations guidelines are subsequently promulgated for the point sources covered by the general permit;

5. A Water Quality Management plan containing requirements applicable to such point sources is approved; or

6. The requirements listed in § 122.28(a) and identified in the previous paragraphs are not met.

**B. Oil and Gas Operations in Inland Tidal Waters of the States of Texas and Louisiana**—The large number of existing facilities operation in or discharging produced water into inland tidal waters of the States of Texas and Louisiana has prompted Region VI to propose these draft general NPDES permits. In addition, a review of the nature of effluents from these facilities and the Region VI experience in permitting offshore oil and gas facilities in the Gulf of Mexico clearly indicates that these facilities are more appropriately controlled by general permits. General permits will eliminate for EPA, the time consuming and resource intensive process of reviewing and evaluating individual permit applications and similarly eliminate for the industry, the regulatory burden of applying for and obtaining individual permits. These permits will enable these facilities to maintain compliance with the Act and will extend environmental and regulatory controls to a large number of dischargers.

## *II. The Nature of Discharges From Oil & Gas Facilities*

The Coastal Subcategory of the Oil and Gas Extraction Point Source Category (40 CFR Part 435) includes facilities engaged in production, field exploration, drilling, well completion and well treatment in the oil and gas extraction industry in areas defined as coastal. The term "coastal" means any body of water landward of the territorial seas or any wetlands adjacent to such waters (40 CFR 435.41(e)). For further explanation, see discussion in Part III.A. of this fact sheet.

These operations can be divided into three distinct phases: Exploration, development and production. Exploratory operations involve drilling to determine the nature and extent of hydrocarbon resources. Once a hydrocarbon reserve has been identified, developmental drilling begins. Production operations follow with the actual recovery of hydrocarbons from underground geologic formations. When issued, these general permits will authorize discharges from all phases of operations. Discharges from these facilities include:

**A. Drilling Fluids**—Drilling fluid is defined as any fluid sent down the hole, including gelling compounds, weighting agents, anti-flocculants and dispersants,

and any specialty products, from the time a well is begun until final cessation of drilling in that hole. Generally, two basic types of fluids are used, water-based mixtures of fresh or seawater and oil-based mixtures of diesel oil with water or brine emulsified in the oil.

Drilling fluids are used in both exploration and development drilling to maintain hydrostatic pressure control in the well, lubricate the drilling bit, remove drill cuttings and treat specific problems such as tightly consolidated subsurface formations, water sensitive clays, and shales. Specific needs of a drilling program may also require the addition of other special additives to the drilling fluids.

**B. Drill Cuttings**—Drill cuttings are mineral particles generated by drilling into subsurface geologic formations. They are carried to the surface with the circulated drilling fluids and separated from the fluids on the platform by solids control equipment (screens and shakers). The drilling fluids are recirculated down the hole; the cuttings and wash water are discharged.

**C. Produced water (Formation Water or Brine)**—Produced water includes water and suspended particulate matter, brought to the surface in conjunction with the recovery of oil and gas from underground geologic formations. Produced waters are primarily generated during the production phase of oil and gas operations with the amount generated dependent upon the method of recovery and the nature of the formation. Geologic formations contain different oil-water and gas-water mixtures that are produced at different times:

1. In some formations, water is produced with the oil and gas in the early stages of production;
2. In others, water is not produced until the formation has been significantly depleted; and
3. In still others, water is never produced.

**D. Produced Sands**—Produced sands include sands and other solids removed from the produced waters.

**E. Well Treatment Fluids (Well Completion)**—Well treatment fluids are any fluids sent down the drill hole to improve the flow of hydrocarbons into or out of geologic formations after drilling is completed.

**F. Deck Drainage**—Deck drainage includes all waste resulting from deck washings, tank cleaning operations, runoff from curbs, gutters and drains, including drip pans and work areas.

**G. Sanitary Wastes**—Sanitary wastes include human body waste discharges

from toilets and urinals. These wastes are treated prior to discharge.

**H. Domestic Wastes**—Domestic wastes include materials discharged from sinks, showers, laundries, and galleys. These wastes are normally released directly overboard without treatment because soaps and detergents contained in domestic wastes interfere with the operation of the oil/water separator and adversely affect bacterial sewage treatment systems.

**I. Non-Contact Cooling Water**—Non-contact cooling water is seawater used to cool electricity generating equipment on some mobile drilling units. The temperature of seawater is increased a maximum of 5° F over ambient and no chemical treatment is required. This discharge is released without treatment.

**J. Desalinization Unit Discharge**—Desalinization unit discharge means any wastewater associated with the process of creating fresh water from seawater. In the desalinization process, the constituents of seawater are concentrated to about twice their normal concentration. No additional chemicals are added and the waste is discharged without treatment.

### III. Conditions in the General Permits

**A. Geographic Area of the Proposed General Permits**—These draft general NPDES permits proposed today are applicable to certain dischargers in the Coastal Subcategory of the Oil and Gas Extraction Point Source Category which operate in inland tidal waters of the States of Texas and Louisiana. Coastal oil and gas facilities located over waters: (1) landward of the inner boundary of the territorial seas; and (2) in areas normally influenced by the ebb and flow of tides of the Gulf of Mexico will be covered by these general permits. Wetlands, swamps, marshes, and bogs which are normally inundated or saturated by fresh water and areas for which the States of Texas and Louisiana have established water quality standards for chlorides are not included within these geographic areas. Dischargers in the Onshore Subcategory which discharge produced brine to inland tidal waters of the States of Texas and Louisiana are also covered by these draft permits. In response to a decision of the Fifth Circuit Court of Appeals in *American Petroleum Institute v. EPA*, 661 F. 2d 340 (1981), on July 21, 1982 (47 FR 31554) the Agency suspended the BPT effluent guidelines applicable to 1,200 onshore wells which were originally defined as "coastal" in the interim final BPT regulations (41 FR 44943, October 13, 1976) and were subsequently reclassified as "onshore"

in the final BPT guidelines (44 FR 22069, April 13, 1979).

Since the BPT effluent limitations are suspended for these wells it is the best professional judgment (BPT) of the Agency that those Onshore Subcategory facilities which are discharging produced water into inland tidal waters, and comply with the oil and grease numerical effluent limitations for produced waters in the coastal subcategory, constitutes BPT for these facilities.

This permitting approach is designed to authorize and control the discharges from facilities located over inland tidal waters or discharging into inland tidal waters from facilities located onshore. The phrase "inland tidal waters" is used to describe waters of the State, landward of the coastline, which are tidally influenced. These waters, for the majority of cases, do not have water quality standards for chlorides, therefore produced waters, which have high chloride concentrations, may be discharged without a case-by-case evaluation. These permits do not apply to areas with chloride numeric standards because a case-by-case evaluation to determine compliance with the standard is beyond the scope of these general permits. For further explanation of applicable water quality standards, see Part IV.B. of this fact sheet.

**B. Covered Facilities**—When issued, these general permits will authorize discharges from existing facilities located in the geographic area described above in the Coastal Subcategory as defined in 40 CFR 435.40. Facilities commencing operations during the term of these permits, will also be covered by these permits. See "new discharger" definition at § 122.2 (48 FR 14146, April 1, 1983). These permits will not authorize discharges from "new sources" as defined in § 122.2.

**C. Notification by Permittees**—Operators of facilities located within the geographic areas defined above must notify the Regional Administrator in writing of their intent to be covered by the appropriate general permit. Unless otherwise notified in writing by the Regional Administrator, owners or operators requesting coverage will be authorized to discharge under the appropriate general permit.

Operators of existing sources must submit the written notification within 45 days following the issuance of the final general permits. New dischargers must submit the written notification 30 days prior to commencement of discharge within the general permit area. All notifications shall include the operator's

legal name and address, the name commonly assigned to the field or prospect, including the latitude and longitude, the number and type of facilities within each field or prospect, and for each facility, the name of the receiving stream as identified by the State of Texas or Louisiana. Failure to submit the written notification means that the facility is not authorized to discharge under the appropriate general permit.

**D. Expiration Date**—These draft general permits contain an expiration date of June 30, 1984. Section 301(b)(2) of the Act requires that all permits effective or issued after July 1, 1984, contain effluent limitations representing best available technology economically achievable (BAT) for all categories and classes of point sources. These draft permits contain limitations representing best practicable control technology currently available (BPT) as described below.

**E. Technology-Based Effluent Limitations**—On April 13, 1979, EPA promulgated final effluent limitations guidelines establishing BPT for the Coastal Subcategory of the Oil and Gas Extraction Point Source Category (40 CFR Part 435). These BPT limitations have been incorporated into the draft general permits. The BPT effluent limitations guidelines restrict the concentration of oil and grease in produced waters to a monthly average of 48 mg/l and a daily maximum of 72 mg/l.

The BPT effluent limitations guidelines require a "no discharge of free oil" limitation for all other discharges associated with drilling operations (deck drainage, drilling fluids, drill cuttings, and well treatment fluids). The term "no discharge of free oil" means that a discharge shall not cause a film or sheen upon or a discoloration on the surface of the water or adjoining shorelines or cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines (40 CFR Part 435). The discharge of oil-based drilling fluids constitutes the discharge of free oil and, in accordance with 40 CFR Part 435, is prohibited. In addition, the discharge of drilling fluids to which diesel oil has been added during drilling operations constitutes the discharge of free oil because such fluids contain emulsified oil and, therefore, in accordance with 40 CFR Part 435, is also prohibited. The Railroad Commission of Texas, Oil and Gas Division, Rule 8, at part (d)(E) also prohibits the discharge of cuttings or fluids containing oil. Also, the State of Louisiana, Office of Conservation,

Statewide Order No. 29-B at section XV 1. prohibits the discharge of waste oil or oil field waste. Therefore, the prohibition on discharging drilling fluids containing diesel oil and the prohibition on discharging drill cuttings when oil based drilling fluids are used, is necessary to comply with section 301 (b)(1)(C) of the Clean Water Act. This prohibition is on the discharge of diesel oil, and is not to be interpreted as a prohibition on the use of diesel oil as a drilling fluid additive.

The BPT effluent limitations guidelines require that in sanitary wastes from facilities housing ten or more persons, the concentration of chlorine be maintained as close to 1 mg/l as possible. This limitation does not apply to sanitary waste discharges from facilities continuously manned by nine or fewer persons or intermittently manned by any number. These permits also provide that any facility which is also a vessel as defined in section 312 of the Act and which uses a marine sanitation device certified by the U.S. Coast Guard, shall be in compliance with the permit limitations for sanitary wastes. This condition applies only to vessels on which a marine sanitation device has been installed and does not require the installation of such a device on any facility or vessel not so equipped. Finally, these permits do not authorize any sanitary waste discharges from package treatment plants or other devices located in or related to onshore support areas or camp facilities.

**F. Other Discharge Limitations**—In addition to the BPT effluent limitations, the permits contain several other conditions. The discharge of halogenated phenol compounds is prohibited. The facility operator is also required to minimize the discharge of dispersants, surfactants and detergents. This restriction applies to tank cleaning and other operations which do not directly involve the safety of workers. This restriction is imposed because detergents disperse and emulsify oil thereby enhancing toxicity and making the detection of a discharge of oil more difficult. This limitation has been established pursuant to section 402(a) (1) and (2) of the Act.

**G. Monitoring and Reporting Requirements**—These general permits will require permittees to sample certain discharges monthly and to report results annually. These permits authorize the use of the Hach CN-66-DPD test kit for monitoring residual chlorine in sanitary waste discharges. Discharge Monitoring Reports (DMR) must be submitted annually.

#### IV. Other Legal Requirements

**A. State Certification**—Under Section 401(A)(1) of the Act, EPA may not issue an NPDES permit until the State where the discharge originates, grants or waives certification as to compliance with the applicable provisions of the Act and State law, including water quality standards. Region VI has requested the States of Texas and Louisiana to certify the respective draft general permits.

**B. Water Quality Standards**—Section 301(b)(1)(C) of the Act requires that NPDES permits contain limitations necessary to meet water quality standards established pursuant to State law or regulation or any other Federal law or regulation, or required to implement any applicable water quality standard established pursuant to the Act. These draft general permits contain effluent limitations which meet the requirements of section 301(b)(1)(C) including the applicable water quality standards of the States of Texas and Louisiana. For the State of Texas, the applicable water quality standards are contained in "Texas Surface Water Quality Standards" of April, 1981. The applicable standards for the State of Louisiana are contained in "State of Louisiana Water Quality Criteria" of 1977. Both documents have been placed in the administrative record. The following is an analysis of the water quality standards applicable to the geographic area covered by each permit.

**1. Texas Water Quality Standards.** The State of Texas in the "Texas Surface Water Quality Standards" of April, 1981, classifies Texas surface waters into four categories. Two of these categories, coastal basin waters and bay waters, are included in the geographic area of the draft general permit for Texas. These waters are normally influenced by the ebb and flow of the tide and have numeric criteria established for dissolved oxygen, pH, fecal coliform, and temperature as follows:

Dissolved oxygen, 4.0 mg/l–5.0 mg/l.  
pH range, 6.0–9.0  
Coliform/fecal/100 ml, 200–2,000  
Log avg. not more than 70<sup>1</sup>

Maximum temperature, 90° F–95° F.  
Maximum temperature differential, 4° F fall, winter, spring; 1.5° F summer.

**2. Louisiana Water Quality Standards.** The State of Louisiana in the "Louisiana Water Quality Criteria" of 1977, established four categories of surface waters, three of which are included in the geographic area of the draft general permit for Louisiana:

**Class A—Primary Contact Recreation**

**Class B—Secondary Contact Recreation**  
**Class C—Propagation of Fish and Wildlife**

Waters within these classes are influenced by tidal action of the Gulf of Mexico and have numeric standards set for the following:

Dissolved Oxygen mg/l:  
Estuarine Coastal, 4 mg/l  
Coastal, 5 mg/l

pH range, 6.0–9.0

Max. differential 1 pH unit.

**Bacterial Standards:**

Fecal Coliform per 100 ml-log mean, 200–2,000

MPN per 100 ml, 70<sup>2</sup>

**Temperature:**

Maximum, 95° F

Maximum differential, 4° F October–May;  
1.5° F June–September.

Discharges from oil and gas facilities are not expected to contain materials with a sufficiently high oxygen demand to cause violation of the dissolved oxygen water quality standards, likewise, no thermal discharges are anticipated that would violate the temperature standards. Therefore the permits do not place any effluent limits on these parameters. The pH water quality standard has a potential for being exceeded on a temporary basis because of high pH drilling fluids discharges. Because any exceedence would be temporary, no pH effluent limitations are proposed. Compliance with the fecal coliform water quality standard is assured by requiring a 1.0 mg/l residual chlorine concentration for sanitary waste discharges from facilities which are manned by ten or more persons. For vessels, the sanitary effluent treatment device must produce an effluent with a fecal coliform bacteria count of less than 200 colonies per 100 milliliters or the effluent must have a residual chlorine of at least 1.0mg/l. Facilities manned by nine or fewer persons or intermittently by any number of person must treat the sanitary effluent to the extent that no floating solids will be visible in the receiving water. Because of the low volumes of effluent associated with these small discharges no coliform water quality standard exceedence is anticipated.

**C. Oil Spill Requirements**—Section 311 of the Act prohibits the discharge of oil and hazardous materials in harmful quantities. In the 1978 amendments to section 311, Congress clarified the relationship between this section and discharges permitted under section 402 of the Act. It was the intent of Congress that routine discharges permitted under section 402 be excluded from section 311. Discharges permitted under section

<sup>1</sup> For some bays.

<sup>2</sup> Standard applicable to shellfish propagation.

402 are not subject to section 311 if they are:

1. In compliance with a permit under section 402 of the Act;
2. Resulting from circumstances identified, reviewed and made part of the public record with respect to a permit issued or modified under section 402 of the Act, and subject to a condition in such permit; or
3. Continuous or anticipated intermittent discharges from a point source, identified in a permit or permit application under section 402 of this Act, which are caused by events occurring within the scope of the relevant operating or treatment systems.

To help clarify the relationship between discharges permitted under section 402 and section 311 discharges, EPA has compiled the following list of discharges which it considers to be regulated under section 311 rather than under a section 402 permit. The list is not to be considered all-inclusive.

1. Discharges from a platform or structure on which oil or water treatment equipment is not mounted.
2. Discharges from burst or ruptured pipelines, manifolds, pressure valves or atmospheric tanks.
3. Discharges from uncontrolled wells.
4. Discharges from pumps or engines.
5. Discharges from oil gauging or measuring equipment.
6. Discharges from pipeline scraper, launching, and receiving equipment.
7. Spills of diesel oil during transfer operations.
8. Discharges from faulty drip pans.
9. Discharges from well head and associated valves.
10. Discharges from gas-liquid separators.

11. Discharges from flare lines.

**D. Coastal Zone Management Act—**The Coastal Zone Management Act and its implementing regulations require that any federally licensed or permitted activity affecting the coastal zone of a State with an approved Coastal Zone Management Program (CZMP) be determined to be consistent with the CZMP. The State of Texas does not have an approved CZMP. The State of Louisiana does.

The Agency has reviewed the Louisiana CZMP and determined that draft general permit LA0062049 is consistent with Louisiana's CZMP. The Agency's findings are contained in the administrative record. The regulations implementing the Coastal Zone Management Act, found at 15 CFR Part 930, require the applicant for a federal license or permit to certify to the appropriate State agency that the permit is consistent with the CZMP. Because there are no applicants identified in the

general permit process, the Agency is certifying consistency and submitting draft general permit LA0062049 to the appropriate State agency for review.

**E. Endangered Species Act—**The Endangered Species Act requires each Federal agency to ensure that any of its actions, such as permit issuance, do not jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modifications of their habitats.

The Agency has reviewed the general permit issuance proposed here to determine the effect on endangered species. Applicable regulations are found at 50 CFR Part 402.

In making this review the Agency relied upon the following publications:

- Gosselink, J.G., C.L. Cordes and J.W. Parsons. 1979. An ecological characterization study of the Chenier Plain coastal ecosystem of Louisiana and Texas, 3 vols. U.S. Fish and Wildlife Service, Office of Biological Services. FWS/OBS-78/9 through 78/11.
- Larson, D.K., D. Davis, R. Detto, P. Dumond, E. Liebow, R. Motshall, D. Sorensen, and W. Guidroz. 1980. Mississippi Deltaic Plain Region ecological characterization: A socioeconomic study, Vol.1. Synthesis papers. U.S. Fish and Wildlife Service, Office of Biological Services. FWS/OBS-79/05.
- Liebow, E.B., K.S. Butler, T.R. Plaut, et al. 1980. Texas Barrier Islands Region ecological characterization: A socioeconomic study. Volume 1: Synthesis Papers. U.S. Fish and Wildlife Service, Office of Biological Services. FWS/OBS-80/19.
- Longley, W.L., R. Jackson, and B. Snyder. 1981. Managing oil and gas activities in coastal environments: Refuge manual. U.S. Fish and Wildlife Service, Office of Biological Services, Washington, D.C. FWS/OBS-81/22.
- Shew, D.M., R.H. Baumann, T.H. Fritts, and L.S. Dunn. 1981. Texas Barrier Islands Region ecological characterization: Environmental synthesis papers. U.S. Fish and Wildlife Service, Biological Services Program, Washington, D.C. FWS/OBS-81/32. 413pp.
- U.S. Department of Commerce, Office of Coastal Zone Management and Louisiana Department of Natural Resources, Coastal Management Section. 1980. Final environmental impact statement and the Louisiana Coastal Resources Program. Washington, D.C. 264pp.
- U.S. Department of Interior. Fish and Wildlife Service. Endangered and Threatened Species of the Southeastern United States. Notebook prepared by Region 4, Atlanta, Georgia. Updated 1/83.

#### Texas

Endangered species that occur within the general permit area for Texas, permit Number TX0088030, were identified from the publication "Endangered species of Texas and Oklahoma, 1982," available from the U.S. Fish and Wildlife Service. After considering the endangered species, the permit action,

and information in the publications above, the Agency concludes that the issuance of this general permit will not affect listed species or their habitat.

#### Louisiana

Endangered species that occur within the general permit area for Louisiana, permit Number LA0062049, were identified by a February 17, 1983 letter from Mr. Dennis Jordan, Field Supervisor, Jackson Endangered Species Office, Fish and Wildlife Service to Mr. Oscar Cabra, Chief, Industrial Permits, EPA.

#### Discussion

In addition to the publications listed above which address impacts from oil and gas exploration and production activities, the publications below address brine discharges at specific locations.

Koons, C.B., C.D. McAuliffe, and F.T. Weiss. *Environmental Aspects of Produced Waters From Oil and Gas Extraction Operations in Offshore and Coastal Waters*, Journal of Petroleum Technology 723-729, June, 1977.

Armstrong, H.W., K. Fucik, J.W. Anderson and J.M. Neff. *Effects of Oilfield Brine Effluent on Sediments and Benthic Organisms in Trinity Bay*, Texas Marine Environment Research 55-69, Vol. 2., 1979.

Impacts have been found to be limited in area and observed effects predominate on benthic species. These effects studies indicate that endangered species or their habitat will not be affected.

Discharges will occur only after the permits which authorize construction are granted. These permits issued by the Corps of Engineers under section 10 of the River and Harbor Act of 1899, and section 404 of the Federal Water Pollution Control Act, as amended, are also subject to the endangered species review. EPA's conclusion of no impact on endangered species is made with the understanding that the discharge site has received a section 10/404 permit.

**F. Economic Impact (Executive Order 12291)—**EPA has reviewed the effect of Executive Order 12291 on these draft general NPDES permits and has determined that they are not a major rule under that order. The proposed regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any comments from OMB to EPA are available for public inspection at the Permits Branch, Water Management Division, U.S. Environmental Protection Agency, InterFirst Two Building, 1201 Elm Street, Dallas, Texas 75270.

#### V. Public Comment Period

The Regional Administrator of Region VI has tentatively decided to issue two general NPDES permits for certain dischargers in the Coastal Subcategory

of the Oil and Gas Extraction Point Source Category, subject to certain effluent limitations, standards, prohibitions, and other conditions necessary to carry out the provisions of the Act. The two draft general permits, reprinted below, cover facilities located in the following areas:

1. Permit No. TX0088030 covers facilities located in inland tidal waters of the State of Texas; and

1. Permit No. LA0062049 covers facilities located in inland tidal waters of the State of Louisiana.

These draft general permits are based on the administrative record. Among other documents, the administrative record consists of the draft general permits and a fact sheet (published today) describing the reasons for the conditions of the draft general permits.

The administrative record (with exception of material readily available at Region VI, or published material that is generally available) is on file in the Administrative Branch, EPA, Region VI, at the above address and may be inspected and copied (at a charge of \$.20 per copy sheet) at any time between 8:30 a.m. and 4:00 p.m., Monday through Friday. Copies of the draft general permits and other available information may be obtained by writing to the above address.

Interested persons may submit comments on the draft general permits and administrative record to the Regional Administrator at the above address no later than February 10, 1984. The purpose of this Public Notice is to receive comments from interested persons on these draft general permits. All persons who believe that any of the conditions of the draft general permits are not appropriate, or that the tentative decision to issue these general permits is not appropriate, have an obligation to raise all reasonably ascertainable issues and submit all arguments and factual grounds supporting their position, including all supporting material, by the close of the comment period. All supporting materials shall be included in full and may not be incorporated by reference, unless they are already a part of the administrative record or consist of State or Federal regulations, EPA documents of general applicability, or other generally available reference materials.

During the public comment period, any interested person may request a public hearing. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing.

EPA will consider the issuance of final general permits following any public hearings and the close of the comment period. All comments timely submitted by interested persons in response to this notice and statements and other evidence properly submitted at any public hearings, will be considered by the Regional Administrator in the formulation of his final decision.

Any person who submits timely written comments will receive notice of the Regional Administrator's final decision. Further information concerning EPA's permitting procedures may be found in Part 124 of the Environmental Permit Regulations (48 FR 14146, April 1, 1983).

#### VI. Paperwork Reduction Act

EPA has reviewed the requirements imposed on regulated facilities in these draft general permits under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq. The information collection requirements of the permits have already been approved by the Office of Management and Budget under submissions made for the NPDES permit program under the provisions of the Clean Water Act. The final general permits will explain how its information collection requirements respond to any OMB or public comments.

#### VII. Economic Impact (Executive Order 12291)

The Office of Management and Budget has exempted this action from the review requirement of Executive Order 12291 pursuant to Section 8(b) of that order.

#### VIII. Regulatory Flexibility Act

After review of the facts presented in the notice printed above, I hereby certify, pursuant to the provisions of 5 U.S.C. 605(b), that these draft general permits will not have a significant impact on a substantial number of small entities. Moreover, they reduce a significant administrative burden on regulated sources.

Dated: December 14, 1983.

Dick Whittington, P.E.,  
Regional Administrator, Region VI.

### Appendix A—Draft General Permits Authorization to Discharge Under the National Pollutant Discharge Elimination System

In compliance with the provisions of the Federal Water Pollution Control Act, as amended, (33 U.S.C. 1251 et seq; the "Act"), the following general permits are issued:

*Permit No. TX0088030*—Covers operators of facilities in the Coastal Subcategory of the Oil and Gas Extraction Point Source Category located in inland tidal waters of the State of Texas and operators of facilities in the Onshore Subcategory which are discharging only produced waters to inland tidal waters of the State of Texas.

*Permit No. LA0062049*—Covers operators of facilities in the Coastal Subcategory of the Oil and Gas Extraction Point Source Category located in inland tidal waters of the State of Louisiana and operators of facilities in the Onshore Subcategory which are discharging only produced waters to inland tidal waters of the State of Louisiana.

These permits authorize discharge to receiving waters named inland tidal waters of the States of Texas or Louisiana in accordance with effluent limitations, monitoring requirements, and other conditions set forth in Parts I, II and III thereof. These permits do not authorize discharges from "new sources" as defined in Section 122.2, Environmental Permit Regulations, 48 FR 14146 (April 1, 1983). These permits shall become effective 30 days after publication of final permits. These permits and the authorization to discharge shall expire at midnight, June 30, 1984.

Operators within a general permit area who fail to notify the Regional Administrator of their intent to be covered by the appropriate general permit are not authorized to discharge under the general permit.

Signed this \_\_\_\_\_ day of \_\_\_\_\_.

Myron O. Knudson, P.E.,  
Director, Water Management Division.

## PART I—REQUIREMENTS FOR NPDES PERMITS

### A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

| Outfalls                     | Effluent characteristics | Discharge limitations | Monitoring requirements |             |
|------------------------------|--------------------------|-----------------------|-------------------------|-------------|
|                              |                          |                       | Measurement frequency   | Sample type |
| Drilling fluids <sup>1</sup> | N/A                      | N/A                   | N/A                     | N/A         |
| Drill cuttings <sup>1</sup>  | N/A                      | N/A                   | N/A                     | N/A         |
| Deck drainage <sup>1</sup>   | N/A                      | N/A                   | N/A                     | N/A         |

## A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS—Continued

| Outfalls                           | Effluent characteristics | Discharge limitations                 | Monitoring requirements |                    |
|------------------------------------|--------------------------|---------------------------------------|-------------------------|--------------------|
|                                    |                          |                                       | Measurement frequency   | Sample type        |
| Produced sands <sup>1</sup>        | N/A                      | N/A                                   | N/A                     | N/A                |
| Well treatment fluids <sup>1</sup> | N/A                      | N/A                                   | N/A                     | N/A                |
| Produced waters                    | Oil and grease           | 72 mg/l Daily max. 48 mg/l month avg. | Once/month              | Grab. <sup>2</sup> |
| Sanitary waste (10 and more)       | Residual chlorine        | 1.0 mg/l <sup>3</sup>                 | Once/month              | Grab.              |
| Domestic waste                     | N/A                      | N/A                                   | N/A                     | N/A                |
| Cooling water                      | N/A                      | N/A                                   | N/A                     | N/A                |
| Desalinization unit discharge      | N/A                      | N/A                                   | N/A                     | N/A                |

<sup>1</sup> There shall be no discharge of free oil as a result of this discharge. The discharge of oil-base drilling fluids or drilling fluids containing diesel fuel as an additive is prohibited. The discharge of drill cuttings, when using oil-base drilling fluids, is prohibited.

<sup>2</sup> May be based on one to four grab samples in a 24-hour period.

<sup>3</sup> Minimum of 1 mg/l and maintained as close to this concentration as possible. This condition is not applicable to facilities intermittently manned or to facilities manned by nine (9) or fewer persons.

**Note.**—Samples taken in compliance with monitoring requirements specified above shall be taken at a sampling point prior to commingling with any other waste stream or entering receiving waters.

## B. Other Discharge Limitations

## 1. Rubbish, Trash and Other Refuse

The overboard discharge of rubbish, trash, garbage, or other such materials is prohibited.

## 2. Floating Solids or Visible Foam

There shall be no discharge of floating solids or visible foam in other than trace amounts.

## 3. Prohibited Discharges

There shall be no discharge of halogenated phenol compounds.

## 4. Surfactants, Dispersants, and Detergents

The discharge of surfactants, dispersants, and detergents shall be minimized except as necessary to comply with the safety requirements of the Occupational Health & Safety Administration.

## 5. Sanitary Wastes

Any facility which is also a vessel as defined in section 312 of the Act and which properly operates and maintains a marine sanitation device certified by the U.S. Coast Guard shall be deemed in compliance with the permit limitations for sanitary waste discharges. This condition does not require the installation of a marine sanitation device on vessels or facilities which have not installed such devices.

## C. Permit Area

Permit No. TX0088030 covers all inland tidal waters of the State of Texas.

Permit No. LA0062049 covers all inland tidal waters of the State of Louisiana.

Coastal oil and gas facilities located over waters (1) landward of the inner boundary of the territorial seas and (2)

in areas normally influenced by the ebb and flow of the tides of the Gulf of Mexico are covered by these general permits. Wetlands, swamps, marshes, and bogs which are normally inundated or saturated by fresh water are not included within the permit areas. Water bodies for which the States of Texas and Louisiana have established water quality standards for chlorides are not included within the permit areas.

## D. Monitoring and Records

## 1. Representative Sampling

Samples and measurements taken for the purpose of monitoring shall be representative of the volume and nature of the monitored activity.

## 2. Monitoring Procedures

Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit. The Hach Color Wheel kit (Hach CN-66-DPD) may be used for monitoring of sanitary waste discharges.

## 3. Penalties for Tampering

The Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

## 4. Reporting of Monitoring Results

Monitoring results obtained during the previous 12 months shall be summarized and reported on a Discharge Monitoring Report (DMR) (EPA Form No. 3320-1). In addition, the annual average shall be reported and shall be the arithmetic average of all samples taken during the reporting year. The highest daily maximum sample taken during the reporting period shall be reported as the daily maximum concentration.

If any category of waste (outfall) is not applicable due to the nature of an operation (e.g. drilling, production), no reporting is required for that particular outfall.

Each operator covered by this permit shall be responsible for submitting monitoring results for each facility within each field or prospect.

The first report is due on the 15th day of the 14th month from the day this permit first becomes applicable to a permittee. Signed and certified copies of these and other reports required herein shall be submitted to the Regional Administrator at the following address:

Director, Water Management Division (6W),  
U.S. Environmental Protection Agency,  
Region VI, First International Building, 1201  
Elm Street, Dallas, Texas 75270

Copies of all reports shall also be submitted to the appropriate State Director at the following address:

Railroad Commission of Texas, Oil & Gas  
Division, P.O. Drawer 12967, Capitol  
Station, Austin, Texas 78711  
Technical Secretary, Division of Water  
Pollution Control, Department of Natural  
Resources, P.O. Box 44066, Baton Rouge,  
Louisiana 70801

## 5. Additional Monitoring by the Permittee

If the permittee monitors any pollutant more frequently than required by the permit, using test procedures approved under 40 CFR Part 136, or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.

## 6. Averaging of Measurements

Calculations for all limitations which require averaging of measurements shall utilize an arithmetic average unless otherwise specified by the Regional Administrator in the permits.

## 7. Retention of Records

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit for a period of at least three years from the date of the sample, measurement, or report. This period may be extended by request of the Regional Administrator at any time.

## 8. Record Contents

Records of monitoring information shall include:

(a) The date, exact place, and time of sampling or measurements;



- (b) The individual(s) who performed the sampling or measurements;
- (c) The date(s) analyses were performed;
- (d) The individual(s) who performed the analyses;
- (e) The analytical or methods used; and
- (f) The results of such analyses.

#### 9. Inspection and Entry

The permittee shall allow the Regional Administrator, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

- (a) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- (b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- (c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- (d) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.

#### E. Reporting Requirements

##### 1. Anticipated Noncompliance

The permittee shall give advance notice to the Regional Administrator and appropriate State Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

##### 2. Monitoring Reports

Monitoring results shall be reported at the intervals specified in Part I.D. of this permit.

##### 3. Twenty-Four Hour Reporting

The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and, if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to

reduce, eliminate, and prevent recurrence of the noncompliance.

The following shall be included as information which must be reported within 24 hours:

- (a) Any unanticipated bypass that exceeds any effluent limitation in the permit;
- (b) Any upset that exceeds any effluent limitation in the permit; and,
- (c) Violation of a maximum daily discharge limitation for any toxic pollutant or hazardous substance, or any pollutant specifically identified as the method to control a toxic pollutant or hazardous substance, listed as such by the Regional Administrator in the permit to be reported within 24 hours.

Oral reports should be made to: (214) 767-2214. The Regional Administrator may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

##### 4. Other Noncompliance

The permittee shall report all instances of noncompliance not reported under Part I.E.3. at the time monitoring reports are submitted. The reports shall contain the information listed in Part I.E.3.

##### 5. Signatory Requirements

All reports or information submitted to the Regional Administrator shall be signed and certified in accordance with Section 122.22, 48 FR 39619 (September 1, 1983).

##### 6. Availability of Reports

Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Regional Administrator. As required by the Act, permit applications, permits, and effluent data shall not be considered confidential.

##### 7. Penalties for Falsification of Reports

The Act provides that any person who knowingly makes any false statement, representation, or certification in record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

#### F. Notifications by Permittees

##### 1. Commencement or Operations

Operations of facilities located within the general permit areas must submit a written notification to the Regional Administrator of their intent to be

covered by the appropriate general permit. Unless otherwise notified in writing by the Regional Administrator within 30 days after submission of its request, operators who have submitted a notification will be authorized to discharge under the appropriate general permit.

Written notification shall include: (1) The legal name and address of the facility operator, (2) the name commonly assigned to the field or prospect, including the latitude and longitude for each field or prospect, (3) number and type of facilities located within the field or prospect, and (4) for each facility, the name of the receiving stream as identified by the State of Texas or Louisiana.

For discharges into tidal (salt or brackish) wetlands the authorization to discharge will become effective 60 days after submission of the intent to be covered by the general permit unless the operator is notified by the Regional Administrator of the need to apply for and receive an individual permit.

Written notifications shall be submitted to the Regional Administrator (and appropriate State Director):

- (a) for existing dischargers, within 45 days of the effective date of this permit; and
- (b) for new dischargers, 30 days prior to commencement of discharge within the permit area unless the discharge is into tidal wetlands, then 60 days prior to commencement of discharge.

##### 2. Termination of Operations

Operators shall notify the Regional Administrator (and the appropriate State Director) upon the permanent termination of discharges from their facilities.

#### PART II

#### A. Operation and Maintenance of Pollution Controls

##### 1. Proper Operation Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes, but is not limited to, effective performance, adequate funding, adequate operator staffing and training, adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems only when



necessary to achieve compliance with the conditions of the permit.

## 2. Duty of Halt or Reduce Activity

Upon reduction, loss, or failure of the treatment facility, the permittee shall, to the extent necessary to maintain compliance with its permit, control production or all discharges or both until the facility is restored or an alternative method of treatment is provided. This requirement applies, for example, when the primary source of power of the treatment facility fails or is reduced or lost.

## 3. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

## 4. Bypass of Treatment Facilities

(a) *Definitions.* (1) "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.

(2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(b) *Bypass Not Exceeding Limitations.* The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (c) and (d) of this section.

(c) *Notice—(1) Anticipated Bypass.* If the permittee knows in advance of the need for a bypass, he shall submit prior notice, if possible, at least 10 days before the date of the bypass.

(2) *Unanticipated Bypass.* The permittee shall submit notice of an unanticipated bypass as required in Part I.E.3. (24-hour notice).

(d) *Prohibition of Bypass.* (1) Bypass is prohibited, and the Regional Administrator may take enforcement action against the permittee for bypass, unless:

(A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities,

retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if the permittee could have installed adequate backup equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance, and

(C) The permittee submitted notices as required under paragraph (c) of this section.

(2) The Regional Administrator may approve an anticipated bypass, after considering its adverse effects, if the Regional Administrator determines that it will meet the three conditions listed above in paragraph (d)(1) of this section.

## 5. Upset Conditions

(a) *Definition.* "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(b) *Effect of an Upset.* An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of paragraph (c) of this section are met. No determination, made during administrative review of claims that noncompliance was caused by an upset, and before an action for noncompliance, is final administrative action subject to judicial review.

(c) *Conditions Necessary for a Demonstration of Upset.* A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An upset occurred and that the permittee can identify the specific cause(s) of the upset;

(2) The permitted facility was at the time being properly operated;

(3) The permittee submitted notice of the upset as required in Part I.E.3. (24-hour notice); and,

(4) The permittee complied with any remedial measures required under Part II.B.4. (Duty to Mitigate).

(d) *Burden of Proof.* In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

## 6. Removed Substances

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering navigable waters.

## B. General Conditions

### 1. Duty To Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action or for requiring a permittee to apply for and obtain an individual NPDES permit.

### 2. Duty To Comply With Toxic Effluent Standards

The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Act for the toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirements.

### 3. Penalties for Violations of Permit Conditions

The Act provides that any person who violates a permit condition implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a civil penalty not to exceed \$10,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing section 301, 302, 306, 307, or 308 of the Act is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than one year, or both.

### 4. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

### 5. Permit Action

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

### 6. Civil and Criminal Liability

Except as provided in permit conditions on "Bypasses" (Part II.A.4.) and "Upset" (Part II.A.5.), nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

### 7. Oil and Hazardous Substances Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under section 311 of the Act.

### 8. State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by section 510 of the Act.

### 9. Other Conditions

Nothing in this permit shall be construed to relieve the permittee from compliance with any other environmental restriction or condition established by other State or Federal authorities; nor shall this permit be construed to allow discharges in areas where other authorities prohibit discharges.

### 10. Property Rights

The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State, or local laws or regulations.

### 11. Severability

The provisions of this permit are severable and, if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

### C. Additional General Permit Conditions

#### 1. When the Regional Administrator May Require Application for an Individual NPDES Permit

The Regional Administrator may require any person authorized by this permit to apply for and obtain an individual NPDES permit for any of the

reasons set forth in Section 122.28, 48 FR 14146 (April 1, 1983).

Prior to taking this action, the Regional Administrator must notify the operator in writing.

#### 2. When an Individual NPDES Permit May Be Requested

(a) Any operator authorized by this permit may request to be excluded from the coverage of this general permit by applying for an individual permit. The operator shall submit an application together with the reasons supporting the request to the Regional Administrator no later than 90 days after the publication.

(b) When an individual NPDES permit is issued to an operator otherwise subject to this general permit, the applicability of this permit to that operator is automatically terminated on the effective date of the individual permit.

(c) An operator excluded from coverage under this general permit solely because it already has an individual permit may request that its individual permit be revoked, and that it be covered by this general permit. Upon revocation of the individual permit, this general permit shall apply to the operator.

### Part III

#### A. Samples of Wastes

If requested, the permittee shall provide the Regional Administrator with a sample of any waste in a manner specified by the Agency.

#### B. Definitions

1. "Cooling water" means once-through, non-contact cooling water.

2. "Daily maximum" means the average concentration of the parameter specified during any 24-hour period that reasonably represents the 24-hour period for purposes of sampling.

3. "Monthly average" means the arithmetic average concentration of all the daily determinations of concentration made during a calendar month.

4. "Deck drainage" means all waste resulting from deck washings, and runoff from curbs, gutters, and drains, including drip pans and wash areas.

5. "Desalinization unit discharge" means wastewater associated with the process of creating fresh water from seawater.

6. "Domestic waste" means discharges from galleys, sinks, showers, and laundries only.

7. "Drill cuttings" means particles generated by drilling into subsurface geological formations.

8. "Drilling fluids" means any fluid sent down the hole, including drilling muds and any specialty products, from the time a well is begun until final cessation of drilling in that hole.

9. "No discharge of free oil" means a discharge that does not cause a film or sheen upon or a discoloration on the surface of the water or adjoining shorelines, or cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines.

10. "Produced waters" means waters and particulate matter associated with oil and gas producing formations. Sometimes the terms "formation water" or "brine water" are used to describe produced waters.

11. "Produced sands" means sands and other solids removed from the produced waters.

12. "Sanitary waste" means human body waste discharged from toilets and urinals.

13. The term "territorial seas" means the belt of the seas measured from the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters, and extending seaward a distance of three miles.

14. "Well completion and treatment fluids" means any fluids sent down the drill hole to improve the flow of hydrocarbons into or out of geological formations which have been drilled.

#### C. Reopener Clause

This permit shall be modified, or alternatively revoked and reissued, to comply with any applicable effluent standards or limitation issued or approved under sections 301(b)(2) (C) and (D), 304(b)(2), and 307(a)(2) of the Clean Water Act, if the effluent standard or limitation so issued or approved:

1. Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
2. Controls any pollutant not limited in the permit.

This permit as modified or reissued under this paragraph shall also contain any other requirements of the Act then applicable.

[FR Doc. 83-34226 Filed 12-23-83; 8:45 am]

BILLING CODE 6560-50-M

[OPPE-FRL 2496-2]

#### Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** Section 3507(a)(2)(B) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.) requires the Agency to publish in the *Federal Register* a notice of proposed information collection requests that have been forwarded to the Office of Management and Budget (OMB) for review. The information collection requests listed are available to the public for review and comment.

**FOR FURTHER INFORMATION CONTACT:** David Bowers; Office of Standards and Regulations; Information Management Section (PM-223); U.S. Environmental Protection Agency; 401 M Street, S.W.; Washington, D.C. 20460; telephone (202) 382-2742 or FTS 382-2742.

**SUPPLEMENTARY INFORMATION:****Toxics Programs**

Title: PCB Exemption Requests (EPA #0857).

Abstract: EPA is asking manufacturers, processors and distributors of PCBs seeking an exemption to the Agency's ban of PCBs to submit certain health and environmental information. EPA will use this information to determine whether or not to grant the one-year exemption.

Respondents: Manufacturers, processors and distributors of PCBs seeking an exemption to the ban on PCBs.

Comments on all parts of this notice should be sent to:

David Bowers (PM-223), U.S. Environmental Protection Agency, Office of Standards and Regulations, 401 M Street, S.W., Washington, D.C. 20460

and

Vartkes Broussalian, Wayne Leiss or Carlos Tellez, Office of Management and Budget, Office of Information and Regulatory Affairs, New Executive Office Building (Room 3228), 726 Jackson Place, N.W., Washington, D.C. 20503.

Dated: December 19, 1983.

**Daniel J. Fiorino,**

*Acting Director, Regulation and Information Management Division.*

[FR Doc. 83-34088 Filed 12-23-83; 8:45 am]

**BILLING CODE 6560-50-M**

**(OPP-60009A; OPP-FRL 2496-5)**

**2,4,5-T and Silvex Products; Enforcement Policy on Transfer, Distribution, Sale or Importation of Unregistered Products; Clarification**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice; statement of enforcement policy; clarification.

**SUMMARY:** This document clarifies a statement of enforcement policy issued under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136, regarding the transfer, distribution, sale or importation of any unregistered pesticide product containing 2,4,5-trichlorophenoxyacetic acid (2,4,5-T) or 2-(2,4,5-trichlorophenoxy) propionic acid (silvex) or any salt, ester, amine or other derivative of 2,4,5-T or silvex (2,4,5-T and silvex products) that appeared at page 48436 in the *Federal Register* of Tuesday, October 18, 1983 (48 FR 48436). Because provision for the transfer of existing stocks of certain 2,4,5-T and silvex products whose registrations have been canceled was inadvertently omitted from the original notice, the whole document is repeated below. (The companion document referred to below is not being reprinted and is to be found at page 48434 of the *Federal Register* of October 18, 1983).

**DATE:** The effective date of the policy statement is November 17, 1983. This notice does not affect that date.

**FOR FURTHER INFORMATION CONTACT:** Edward C. Gray, Pesticides and Toxic Substances Division (LE-132P), Office of General Counsel, Environmental Protection Agency, Rm. W-519, 401 M St., S.W., Washington, D.C. 20460; (202-382-7510).

**SUPPLEMENTARY INFORMATION:** The complete corrected text of the statement of enforcement policy is as follows:

FIFRA sections 3(a) and 12(a)(1)(A) prohibit the distribution, sale, shipment, or other movement in commerce of pesticides which are not registered under FIFRA, except as permitted by other provisions of FIFRA. FIFRA section 3(b)(1) allows transfers of an unregistered pesticide if "the transfer is from one registered establishment to another registered establishment operated by the same producer solely for packaging at the second establishment or for use as a constituent part of another pesticide product at the second establishment."

Any transfer of the unregistered pesticide between two registered establishments owned by the same person is lawful under FIFRA section 3(b)(1), so long as the purpose of the transfer is to allow formulation or packaging of a pesticide product at the transferee establishment.

If the transfer of the unregistered pesticide is between two establishments owned by different persons, 40 CFR 162.3(dd) provides that the transferor establishment and the transferee

establishment will be regarded by EPA as being "operated by the same producer" only if the transferee establishment is "operated under contract with the registrant of the pesticide either to package the pesticide product or to use the pesticide as a constituent part of another pesticide product, provided that the final pesticide product is registered by the transferor establishment." Thus, for a transfer of an unregistered pesticide between establishments to be lawful under the regulations, the owner of the transferor establishment must be either: (1) The owner of the transferee establishment or (2) the registrant of the registered pesticide product which will be produced at the transferee establishment using the transferred unregistered pesticide. (The regulations also allow transfers in connection with experimental use permits, emergency exemptions, disposal, exports, and other cases, 40 CFR 162.5(b) (3) through (7); this notice does not affect such transfers. Also, FIFRA section 6(a)(1) provides that, in connection with the cancellation of the registration of a pesticide product, the Administrator may permit the sale and use of existing stocks of the pesticide product; this notice does not affect such sale and use.)

In addition to the types of transfers described above which are allowed by FIFRA and the implementing regulations, EPA has also in the past declared that, as an exercise of its prosecutorial discretion, no enforcement action would be taken against another category of transfers of unregistered pesticide. Under FIFRA Compliance Program Policy No. 3.6, issued by the Pesticides and Toxic Substances Enforcement Division and dated May 10, 1982, EPA generally allows the transfer of an unregistered pesticide if: (1) The owner of the transferee establishment is the registrant under FIFRA of a registered end-use product, and (2) the transferor establishment and the transferee establishment are parties to a contract, and (3) the contract requires the transferor to produce the unregistered pesticide solely for use in the production of the transferee's registered end-use product.

Elsewhere in this issue of the *Federal Register*, EPA is announcing its intent to cancel all registrations of 2,4,5-T and silvex products. In view of this action, EPA has determined that the public interest will best be served by prohibiting the sale, distribution, importation, or other transfer of unregistered 2,4,5-T and silvex products, except as specifically allowed by FIFRA

section 3(b), 40 CFR Part 162, or by a determination by the Administrator concerning existing stocks pursuant to FIFRA section 6(a)(1). Accordingly, after the effective date of this notice, EPA will regard as unlawful, and subject to criminal and civil penalty, any transfer of any unregistered 2,4,5-T or silvex products except those transfers authorized by FIFRA section 3(b), 40 CFR Part 162, or by an existing stocks provision under FIFRA section 6(a)(1), notwithstanding any prior EPA statement to the contrary (including but not limited to FIFRA Compliance Program Policy No. 3.6).

Dated: December 9, 1983.

**John A. Moore,**  
Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 83-34227 Filed 12-23-83; 8:45 am]

BILLING CODE 6560-50-M

## FEDERAL DEPOSIT INSURANCE CORPORATION

### Information Collection Submitted to OMB for Review

**AGENCY:** Federal Deposit Insurance Corporation.

**ACTION:** Notice of information collection submitted to OMB for review and approval under the Paperwork Reduction Act of 1980.

Title of information collection:  
Country Exposure Report.

Background: In accordance with requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the FDIC hereby gives notice that it has submitted to the Office of Management and Budget for expedited processing a form SF-83, "Request for OMB Review," for the information collection system identified above.

**ADDRESS:** Written comments regarding the submission should be addressed to Judy McIntosh, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503 and to John Keiper, Federal Deposit Insurance Corporation, Washington, D.C. 20429.

**FOR FURTHER INFORMATION CONTACT:** Requests for a copy of the submission should be sent to John Keiper, Federal Deposit Insurance Corporation, Washington, D.C. 20429, telephone (202) 389-4351.

**SUMMARY:** The information collection submission revises the Country Exposure Report, form FFIEC 009 (OMB No. 3064-0017), by proposing a short-form disclosure report to be filed with the Report as of the end of December

1983. The disclosure requirement would be simple. Each reporter would list each country, together with the amount outstanding, where it had net exposure in excess of one percent of total assets. The data would be derivable from the Country Exposure Report and no new data would have to be prepared by the respondents.

The need for the short-form report resulted from a meeting of the Federal Financial Institutions Examination Council (FFIEC) where it was agreed that it would be useful to have some exposure information available for disclosure as of the end of 1983. The decision for such disclosure follows from the requirements of the International Lending Supervision Act of 1983 (Pub.L. 98-181) to provide for greater public disclosure of country exposures of U.S. banks.

The additional reporting burden on each respondent for preparing the short-form disclosure report for December 31, 1983 is estimated to be, on the average, ¼ of an hour. Because of the desire of the FDIC to implement the filing of the short-form disclosure report with the December 31, 1983 Country Exposure Report, OMB has been requested to review this submission in less than ten days.

Dated: December 20, 1983.

Federal Deposit Insurance Corporation.

**Hoyle L. Robinson,**

Executive Secretary.

[FR Doc. 83-34222 Filed 12-23-83; 8:45 am]

BILLING CODE 6714-01-M

## FEDERAL MARITIME COMMISSION

### Security for the Protection of the Public Indemnification of Passengers for Nonperformance of Transportation; Issuance of Certificate (Performance)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of Section 3, Pub. L. 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (47 CFR Part 540): K/S A/S Norske Cruise I/II, A/S, Norske Cruise & Helge Naarstad A/S (Sea Goddess Cruises Limited), c/o Daniel A. Kavanaugh, Esq., Grove Place, 3rd Floor, 2964 Aviation Ave., Miami, Coconut Grove, Florida 3313.

Dated: December 20, 1983.

**Francis C. Hurmey,**

Secretary.

[FR Doc. 83-34181 Filed 12-23-83; 8:45 am]

BILLING CODE 6730-01-M

## FEDERAL RESERVE SYSTEM

### Key Banks, Inc., et al.; Proposed De Novo Nonbank Activities by Bank Holding Companies

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closed related to banking.

With respect to these applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearing should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

**A. Federal Reserve Bank of New York**  
(A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Key Banks Inc.*, Albany, New York (mortgage banking activities; New York State): To engage, through a subsidiary company, Key Mortgage Funding, Inc., in the business of originating mortgage loans for sale in secondary markets and of servicing loans sold. This activity will be performed throughout the State of

New York. Comments on this application must be received not later than January 20, 1984.

**B. Federal Reserve Bank of Cleveland** (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. **PNC Financial Corp.**, Pittsburgh, Pennsylvania (securities credit and incidental activities; nationwide): To engage, through its affiliate BHC Securities, Inc., Philadelphia, Pennsylvania, in providing securities credit activities pursuant to the Board's Regulation T, 12 CFR Part 220, and incidental activities such as offering custodial services, individual retirement accounts, and cash management services permissible under the Board of Governors' Regulation Y, 12 CFR 225.4(a)(15). These services would be provided from an office of BHC Securities, Inc., located in Philadelphia, Pennsylvania, serving the entire United States. Comments on this application must be received not later than January 16, 1984.

Board of Governors of the Federal Reserve System, December 20, 1983.

**James McAfee,**

*Associate Secretary of the Board.*

[FR Doc. 83-34192 Filed 12-23-83; 8:45 am]

**BILLING CODE 6210-01-M**

#### **Mercantile Texas Corp.; Acquisition of Bank Shares by a Bank Holding Company**

The company listed in this notice has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated. With respect to the application, interested persons may express their views in writing to the address indicated. Any comment on the application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

**A. Board of Governors of the Federal Reserve System** (William W. Wiles, Secretary) Washington, D.C. 20551:

1. **Mercantile Texas Corporation**, Dallas, Texas; to acquire 100 percent of the voting shares of Capital Bank-Greens Parkway, N.A., Houston, Texas. This application may be inspected at the

offices of the Board of Governors or the Federal Reserve Bank of Dallas. Comments on this application must be received not later than January 20, 1984.

Board of Governors of the Federal Reserve System, December 20, 1983.

**James McAfee,**

*Associate Secretary of the Board.*

[FR Doc. 83-34190 Filed 12-23-83; 8:45 am]

**BILLING CODE 6210-01-M**

#### **Universal Bancorp, et al.; Formation of Bank Holding Companies**

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

**A. Federal Reserve Bank of Cleveland** (Lee S. Adams, Vice President), 1455 East Sixth Street, Cleveland, Ohio 44101:

1. **Universal Bancorp**, Paden City, West Virginia; to become a bank holding company by acquiring 100 percent of the voting shares of Bank of Paden City, Paden City, West Virginia. Comments on this application must be received not later than January 20, 1984.

**B. Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President), 701 East Byrd Street, Richmond, Virginia 23261:

1. **Old White Bankshares, Inc.**, White Sulphur Springs, West Virginia; to become a bank holding company by acquiring 100 percent of the voting shares of Bank of White Sulphur Springs, White Sulphur Springs, West Virginia. Comments on this application must be received not later than January 20, 1984.

**C. Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President), 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. **Zachary Bancshares, Inc.**, Zachary, Louisiana; to become a bank holding

company by acquiring at least 66.7 percent of the voting shares of Bank of Zachary, Zachary, Louisiana. Comments on this application must be received not later than January 10, 1984.

Board of Governors of the Federal Reserve System, December 20, 1983.

**James McAfee,**

*Associate Secretary of the Board.*

[FR Doc. 83-34191 Filed 12-23-83; 8:45 am]

**BILLING CODE 6210-01-M**

#### **FEDERAL TRADE COMMISSION**

##### **Information Collection; Administrative Operations**

**AGENCY:** Federal Trade Commission.

**ACTION:** Application to OMB under the Paperwork Reduction Act, (44 U.S.C. 3501 *et seq.*) for renewal of clearance previously granted for two information collection requests used in the administrative operations of the FTC: Application for Legal Position and Service Order, Invoice, and Receipt.

**SUMMARY:** The application for Legal Position (OMB No. 3084-0023) is used to collect information about applications for legal positions at the Federal Trade Commission. The Service Order Invoice, and Receipt (OMB No. 3048-0024) is a form used by the FTC's Public Reference Branch to record information about requests for Commission documents. It allows the agency to insure that each request is properly handled. The agency is requesting three-year extension of the clearance for these forms.

**DATES:** Comments on these information collection requests must be submitted on or before January 26, 1984.

**ADDRESS:** Send comments to Mr. Don Arbuckle, Office of Information Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3228, Washington, D.C. Copies of this application may be obtained from: Public Reference Branch, Room 130, Federal Trade Commission, Washington, D.C. 20580.

**FOR FURTHER INFORMATION CONTACT:** Christian S. White, Office of the General Counsel, Federal Trade Commission, Washington, D.C. 20580 (202) 523-3776.

**John H. Carley,**  
*General Counsel.*

[FR Doc. 83-34231 Filed 12-23-83; 8:45 am]

**BILLING CODE 6750-01-M**

### Granting of Request for Early Termination of the Waiting Period under the Premerger Notification Rules; J.R. Simplot Co. et al.

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Radino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions of give the Federal Trade Commission and the Assistant Attorney advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the Federal Register.

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period:

| Transaction  | Waiting period terminated effective |
|--|-------------------------------------|
| (1) 83-0949—J. R. Simplot Co.'s proposed acquisition of voting securities of Dalgely Foods Inc.  | Nov. 30, 1983                       |
| (2) 83-0927—Comcast Cable Investors L.P.'s proposed acquisition of assets of Telesystems Corp. (The Dayton Trust—Cox Communications, Inc., UPE).                   | Dec. 2, 1983                        |
| (3) 83-0968—K N Energy Incorporated's proposed acquisition of assets of C F & I Steel Corp. (Crane Co., UPE).  | Do                                  |
| (4) 83-0993—Ghaith R. Pharaon's proposed acquisition of voting securities of Phibro-Salomon Inc.   | Do                                  |
| (5) 83-0985—American Can Co.'s proposed acquisition of voting securities of Titor (Southern Pacific Co., UPE).   | Dec. 5, 1983                        |
| (6) 83-0930—Bacardi Corp.'s proposed acquisition of voting securities of Lloyd's Electronics, Inc.   | Do                                  |
| (7) 83-0952—Apache Petroleum Co.'s proposed acquisition of assets of Carlisle and Howell Inc.  | Do                                  |
| (8) 83-0974—Canadian Occidental Petroleum Limited's proposed acquisition of voting securities of Cities Offshore Production Co. (Occidental Petroleum Corp., UPE). | Do                                  |
| (9) 83-0975—International Telephone and Telegraph Corp.'s proposed acquisition of voting securities of Thomson McKinnon, Inc.                                      | Do                                  |
| (10) 83-0950—Holiday Inns, Inc.'s proposed acquisition of assets of The Park Hilton Hotel (Richard C. & Elizabeth Hedreen, UPE's).                                 | Dec. 6, 1983.                       |
| (11) 83-0990—Manor Care Inc.'s proposed acquisition of voting securities of Anta Corp..  | Dec. 8, 1983.                       |
| (12) 83-0991—Nestle S.A.'s proposed acquisition of the candy assets of the Ward Johnston Division (Terson Holdings, Ltd., UPE).                                    | Do.                                 |
| (13) 83-0971—Clark Equipment Co.'s proposed acquisition of voting securities of Horizon Credit Corp. (Horizon Bancorp, UPE).                                       | Dec. 12, 1983.                      |

| Transaction   | Waiting period terminated effective |
|---|-------------------------------------|
| (14) 83-1018—R.I.T. and Northern p.l.c.'s proposed acquisition of voting securities of Perfect Fit International, Inc.  | Do                                  |
| (15) 83-0958—Freedom Newspapers Inc.'s proposed acquisition of the operating assets of KFDM TV and the voting securities of WTVC, Inc. (A. H. Belo Corp., UPE). | Dec. 13, 1983.                      |
| (16) 83-1013—Moteurs Leroy-Somer's proposed acquisition of voting securities of King Bearing, Inc.  | Do                                  |
| (17) 83-0979—Midland Glass Co.'s proposed acquisition of voting securities of Anchor Glass Container Corp.  | Dec. 14, 1983.                      |
| (18) 83-0965—Payless Cashways, Inc.'s proposed acquisition of Pnme Home Improvement Centers Inc.  | Dec. 15, 1983.                      |
| (19) 83-1016—Western Savings and Loan Association's proposed acquisition of voting securities of FINALCO Group, Inc.  | Do.                                 |
| (20) 83-1041—Elscint Limited's proposed acquisition of voting securities of Xonics Sales and Service Corp. (Xonics, Inc., UPE).                                 | Dec. 16, 1983                       |
| (21) 83-1012—Equity Group Holdings' proposed acquisition of The Mohawk Rubber Co.   | Do                                  |
| (22) 83-1027—Pay/N Save Corp.'s proposed acquisition of voting securities of Schuck's Auto Supply Inc.  | Do                                  |
| (23) 83-1028—Pay/N Save Corp.'s proposed acquisition of voting securities of Samuel N. Stroum and Althea Stroum.  | Do.                                 |

**FOR FURTHER INFORMATION CONTACT:** Patricia A. Foster, Compliance Specialist, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3894.

By direction of the Commission.

Emily H. Rock,  
Secretary.

[FR Doc. 83-34230 Filed 12-23-83; 8:45 am]  
BILLING CODE 6750-01-M

### DEPARTMENT OF HEALTH AND HUMAN SERVICES

#### Food and Drug Administration

[Docket No. 83D-0414]

#### Action Levels For Total Volatile N-Nitrosamines in Rubber Baby Bottle Nipples; Availability of Compliance Policy Guide

**AGENCY:** Food and Drug Administration.  
**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) announces the availability for Compliance Policy Guide 7117.11, which establishes action levels for volatile N-nitrosamines (nitrosamines) in rubber baby bottle nipples (rubber nipples). FDA has determined that nitrosamines in rubber nipples currently are avoidable at levels greater than 60 parts per billion (ppb) and has established that level as a basis for regulatory action during 1984. The agency will reduce the action level to 10

ppb, effective January 1, 1985. A similar notice addressing the Consumer Product Safety Commission's enforcement policy toward children's rubber pacifiers containing nitrosamines appears elsewhere in this issue of the Federal Register.

**DATES:** Written comments on this notice and Compliance Policy Guide 7117.11 should be submitted by February 29, 1984. The 60 ppb action level for nitrosamines will apply to rubber nipples for consumer use that are initially introduced or initially delivered for introduction into interstate commerce between January 1 and December 31, 1984, and to rubber nipples for hospital use that are initially introduced or initially delivered for introduction into interstate commerce between March 1 and December 31, 1984. The 10 ppb action level for nitrosamines will apply to rubber nipples for both consumer and hospital use that are initially introduced or initially delivered for introduction into interstate commerce on or after January 1, 1985.

**ADDRESS:** Written comments on the action levels and method of analysis and requests for single copies of FDA Compliance Policy Guide 7117.11, the method of analysis, and supporting data should be submitted to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm 4-62, 5600 Fishers Lane, Rockville, MD 20857.

**FOR FURTHER INFORMATION CONTACT:** John M. Taylor, Bureau of Foods (HFF-310), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, 202-245-1186.

#### SUPPLEMENTARY INFORMATION:

Nitrosamines are a group of compounds that are prevalent in the environment and are also formed within the human body. Nitrosamine formation occurs as a result of a reaction between amines, which may be present in raw materials used in processing a variety of products, and a nitrosating agent, such as nitrogen oxides (NO<sub>x</sub>), which may be present in the air or may be formed as a result of chemical reactions that occur during processing. Most of the nitrosamines that have been tested are carcinogenic in laboratory animals.

A German study on the occurrence of nitrosamines in rubber nipples was presented at the meeting of the American Chemical Society in the spring of 1981. This study reported that the source of the nitrosamine contamination is the anine-containing accelerators and stabilizers used in the vulcanization process during rubber nipple production (Ref. 32).



FDA's awareness of these findings prompted the agency to investigate whether rubber nipples available in the United States contain nitrosamines and to determine whether these nitrosamines migrate into milk and infant formulas.<sup>1</sup> The agency developed an analytical methodology for testing the rubber nipples and foods that contact them and then conducted a limited survey to evaluate the scope of the problem. Results of that preliminary study, released by FDA in February 1982, corroborated the German study's findings of nitrosamines in rubber nipples and showed that migration of the nitrosamines into milk or formula can occur during the conventional sterilization process (Ref. 33).

FDA alerted the rubber nipple industry of these findings and expressed concern about potential infant exposure to nitrosamines (Ref. 2). The agency began working with the Rubber Manufacturers' Association (RMA) and with the six companies that manufacture nipples in the United States to eliminate or to reduce substantially nitrosamine formation in the rubber nipples that were involved in this problem. The industry initiated research and development efforts, product reformulations, and process modifications. As a result of this cooperative effort, substantial reductions in nitrosamine levels have been made.

FDA is establishing action levels for nitrosamines in rubber nipples under authority of sections 306, 402(a), and 406 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 336, 342(a), and 346) (39 FR 42743, 42745; December 6, 1974). In setting an action level, the agency considers evidence indicating when the presence of an added poisonous or deleterious substance may render food injurious to health, which is the standard in section 402(a)(1) of the act. In addition, FDA takes into account "the extent to which the use of such [poisonous or deleterious] substance is required or cannot be avoided in the

production of each such article \* \* \* (21 U.S.C. 346). Finally, the agency relies on its authority under section 306 of the act to forbear from taking action against minor violations of the act.

In conformance with these statutory provisions and with the regulatory requirements of 21 CFR 109.6, FDA established the action levels for nitrosamines in rubber nipples after considering the following factors:

1. The need to minimize human exposure to nitrosamines;
2. The current technological capabilities of the industry to prevent nitrosamine formation during production of rubber nipples;
3. The technological feasibility of achieving further reductions in nitrosamine levels in rubber nipples;
4. The current analytical capabilities for extracting and identifying nitrosamines present in rubber nipples; and
5. The need for continued availability of rubber nipples.

On the basis of the information currently available, FDA has determined that it is technologically feasible to produce rubber nipples that contain no more than 60 ppb nitrosamine. Data submitted to FDA from RMA in a letter dated March 14, 1983, indicated nitrosamine levels ranging from less than 20 ppb to 125 ppb (Ref. 13). Data submitted by RMA in a report dated September 2, 1983, and letters dated September 16 and October 20, 1983, establish that the industry has the capability to produce rubber nipples for consumer use (consumer rubber nipples) with less than 60 ppb nitrosamines (Refs. 18, 20, and 26). Therefore, the agency has established an action level of 60 ppb that applies to consumer rubber nipples initially introduced or initially delivered for introduction into interstate commerce on or after January 1, 1984.

However, for presterilized rubber nipples for hospital use (hospital rubber nipples), RMA requested an action level of 150 ppb, stating that some hospital rubber nipples cannot comply with the 60 ppb action level (Ref. 13). RMA explained that because performance specifications for hospital rubber nipples are significantly different from those for consumer rubber nipples, the problems associated with reformulating and with revising the manufacturing processes for hospital rubber nipples are much more complicated than for consumer rubber nipples.

Because the target population for use of hospital rubber nipples consists primarily of newborn or medically distressed infants, however, a higher

action level for hospital rubber nipples than for rubber nipples used by other infants cannot be justified without substantial documented evidence, including specific data on reformulation research and the problems being encountered, that the industry cannot produce hospital rubber nipples in compliance with the 60 ppb action level. Such evidence has not been provided to FDA. Therefore, the need for a separate action level for hospital rubber nipples has not been adequately demonstrated. FDA is aware that some hospital rubber nipples that contain less than 60 ppb are currently being produced. Thus, industry's technological capabilities appear to be such that enforcement of the 60 ppb action level will not eliminate all hospital rubber nipples from the market.

The agency does recognize, however, that shortages could develop for some specially designed hospital rubber nipples, and that the adverse effects attendant to such shortages may present a greater health risk than exposure to nitrosamines. FDA does not have sufficient data to evaluate fully such potential adverse effects but does desire to ensure that hospital rubber nipple supplies are maintained at an adequate level. Therefore, FDA is establishing for hospital rubber nipples an effective date of March 1, 1984, 2 months later than the January effective date for consumer rubber nipples, to provide interested persons with an opportunity to submit to FDA comments, along with supporting data, regarding any anticipated adverse consequences that may result from enforcement of the 60 ppb action level for nitrosamines in hospital rubber nipples. The agency will take such data into consideration before initiating legal actions against hospital rubber nipples. Regulatory decisions for each case involving specially designed hospital rubber nipples will be based on an evaluation of the potential risk to infants from exposure to nitrosamines derived from the particular nipples compared to any reported potential risks attendant to reducing or eliminating supplies of the particular nipples.

Further, the agency expects that, as a result of the industry's continuing research initiatives, nitrosamine levels in rubber nipples should be reduced to 10 ppb or less within a short period of time. Although FDA considers the 60 ppb action level to represent the lowest level that is currently technologically feasible and that will permit maintenance of reasonable rubber nipple supplies in the United States during 1984, the agency considers that it is technologically feasible to achieve

<sup>1</sup> The concerns about the presence of nitrosamines are applicable to rubber pacifiers as well as rubber nipples. Rubber pacifiers are regulated by the Consumer Product Safety Commission (CPSC) and not FDA. However, the two agencies have worked closely to address the problems created by the presence of nitrosamines in rubber nipples and pacifiers. CPSC and FDA have met jointly with representatives of the rubber industry. CPSC has contracted with FDA's National Center for Toxicological Research to conduct nitrosamine determinations on various brands of pacifiers. Further, FDA has advised CPSC of the action levels for nitrosamines that it is establishing. A notice addressing CPSC's enforcement policy toward children's rubber pacifiers containing nitrosamines appears elsewhere in this issue of the Federal Register.



further reductions in nitrosamine levels in rubber nipples. Further, the agency considers that approximately 1 year is sufficient time to achieve that reduction. An action level of 10 ppb represents the lowest practicable level at which the presence of nitrosamines can be confirmed by reliable methodology for enforcement purposes. Therefore, FDA has established 10 ppb as the action level applicable to both consumer and hospital rubber nipples initially introduced or initially delivered for introduction into interstate commerce on or after January 1, 1985. However, as technology becomes available to reduce further the level of nitrosamines and to confirm their presence at lower levels, FDA will reevaluate the appropriateness of the action level.

During 1984, FDA will continue to monitor the industry's progress toward achieving compliance with the 10 ppb action level that will become effective for both consumer and hospital rubber nipples on January 1, 1985. RMA will submit to FDA a quarterly report summarizing the results of analyses performed to determine the nitrosamine content of rubber nipples produced by the six cooperating manufacturers. Copies of these reports will be filed with the Dockets Management Branch (address above) and will be available for public examination. Results of analyses conducted by FDA on rubber nipple samples collected by the agency will also be filed with the Dockets Management Branch.

FDA believes that the action levels it has established are adequate, even though the German government has established a 10 ppb action level and the Netherlands has established a 1 ppb action level for nitrosamines in rubber nipples. These action levels cannot be directly correlated with FDA's action levels because of differences in the methodologies used for the detection of the nitrosamines. Both of these foreign governments use a simulated saliva extraction procedure. A comparison of FDA's method and the saliva extraction method showed that the FDA method extracts up to 188 percent more nitrosamine than does the saliva extraction method, depending on which nitrosamines are present (Ref. 6).

Further, FDA is primarily concerned with infant exposure to nitrosamines migrating from rubber nipples, and the level of nitrosamines in the nipple itself is directly related to the amount that may ultimately be ingested by the infant. Migration studies conducted by FDA have shown average migration rates into milk and infant formula

ranging from 5 to 32 percent, depending on the particular nitrosamine (Ref. 33).

Thus, assuming a total nitrosamine content of 60 ppb in a 5 gram rubber nipple, between 15 and 96 nanograms of nitrosamines would be expected to migrate into the milk or infant formula, depending on which nitrosamines are present in the nipple. The resulting nitrosamine concentration in a 4 ounce bottle on milk or infant formula would be 0.1 to 0.8 ppb. Similarly, if the total nitrosamine content in a 5 gram rubber nipple were 10 ppb, the resulting nitrosamine concentration in a 4 ounce bottle of milk or infant formula would be 0.02 to 0.13 ppb.

A study conducted by FDA indicates that the level of nitrosamines contained in new rubber nipples will generally increase when the nipples are inverted into infant formula and sterilized for the first time (Ref. 33). This increase is attributed to the presence of nitrosamine precursors that react with nitrosating agents to form nitrosamines in the nipple. While showing that nitrosamines can be formed by the sterilization process, this study also demonstrates that the levels of nitrosamines which migrate from the nipple into milk or infant formula will decrease significantly with repeated sterilization (Ref. 33). Extrapolating from this study (Ref. 33), FDA has concluded that the levels of nitrosamine precursors in the nipples will be decreased and the nitrosamine levels will decline if new rubber nipples are boiled 5 to 6 times before the initial use, using fresh water for each boil. Accordingly, until such time as nitrosamine levels are reduced below the 10 ppb level, FDA recommends that consumers boil new rubber baby bottle nipples 5 to 6 times before the initial use, using fresh water for each boil. For consumer rubber nipples containing 10 to 60 ppb nitrosamines, FDA has requested that the industry voluntarily label the nipple package with a statement advising the consumer to boil the nipple 5 to 6 times before the initial use, using fresh water for each boil.

The established action levels for nitrosamines in rubber baby bottle nipples are set forth in FDA Compliance Policy Guide 7117.11. FDA will determine compliance with the action levels on the basis of 12 rubber nipples, randomly selected from a lot of the particular product. Compliance samples collected by the agency are generally obtained from the manufacturer or wholesalers or from large retail lots of product. Each of the 12 nipples of the sample will be cut into 44 pieces, and all of the pieces will be mixed together to

form a composite. Three aliquots from the composite, each weighing approximately the same as one intact nipple, will be analyzed by the method of analysis published in the November-December 1982 issue of *Food and Chemical Toxicology* (Ref. 33). The sampled product will be subject to regulatory action if each of the three aliquots from the composite exceeds the established action level for total volatile nitrosamines. The identity of each nitrosamine included in the total must be confirmed by gas chromatography-mass spectrometry.

A copy of Compliance Policy Guide 7117.11, the analytical method, and other supportive data have been filed with the Dockets Management Branch (address above) and are available for public examination between 9 a.m. and 4 p.m., Monday through Friday. Requests for single copies of the filed documents should reference the docket number found in brackets in the heading of this document and should be submitted to the Dockets Management Branch.

## References

The following information has been placed in the Dockets Management Branch (address above) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. Letter from Prof. Dr. R. Preussmann, Deutsches Krebsforschungszentrum, to T. Fazio, FDA, November 5, 1981.
2. Letter from Sanford A. Miller, Director, Bureau of Foods, FDA, to Frank T. Ryan, Vice President—Government Relations, RMA, February 24, 1982.
3. Letter from Frank T. Ryan, Vice-President—Government Relations, RMA, to Sanford A. Miller, Director, Bureau of Foods, FDA (report attached), March 15, 1982.
4. Memorandum of conference between FDA and representatives of the rubber baby bottle nipples industry, March 25, 1982.
5. Memorandum of radio interview hosted by Lincoln Carle, WNSI radio station in St. Petersburg, FL, with Robert M. Schaffner, Associate Director for Physical Sciences, Bureau of Foods, FDA, April 6, 1982.
6. FDA memorandum "Comparison of Methods for the Determination of Volatile *N*-Nitrosamines in Rubber Nipples," Donald C. Havery, November 23, 1982.
7. Memorandum of meeting between FDA and representatives of rubber baby bottle nipples industry, December 16, 1982.
8. Memorandum of conference between FDA and representatives of rubber baby bottle nipples industry, December 16, 1982.
9. Memorandum of telephone conversation between George A. White, Chairman, Sundries Division, RMA, and Robert M. Schaffner, Associate Director for Physical Sciences, FDA, January 24, 1983.
10. Letter from Frank T. Ryan, Vice-President—Government Relations, RMA, to

Sanford A. Miller, Director, Bureau of Foods, FDA, January 28, 1983.

11. Letter from Sanford A. Miller, Director, Bureau of Foods, FDA, to Frank T. Ryan, Vice-President—Government Relations, FMA, February 10, 1983.

12. Memorandum of meeting between FDA and representatives of rubber baby bottle nipples industry, February 23, 1983.

13. Letter from Frank T. Ryan, Vice-President—Government Relations, RMA, to Robert M. Schaffner, Associate Director for Physical Sciences, FDA, March 14, 1983.

14. *FDA Talk Paper*, "Nitrosamines in Baby Bottle Nipples," March 19, 1983.

15. Letter from Frank T. Ryan, Vice-President—Government Relations, RMA, to Robert M. Schaffner, Associate Director for Physical Sciences, FDA, March 28, 1983.

16. Memorandum of meeting between FDA, Consumer Product Safety Commission, and representatives of the rubber baby bottle nipples industry, June 16, 1983.

17. Memorandum of meeting between FDA and representatives of the rubber baby bottle nipples industry, September 2, 1983.

18. Letter from Frank T. Ryan, Vice-President—Government Relations, RMA, to Robert M. Schaffner, Associate Director for Physical Sciences, FDA (report attached), September 2, 1983.

19. Letter from M. Brownstein, Chemical Hazards Division, Consumer and Corporate Affairs, Canada, to John Thomas, FDA (report attached), September 6, 1983.

20. Letter from Frank T. Ryan, Vice-President—Government Relations, RMA, to Robert M. Schaffner, Associate Director for Physical Sciences, FDA, September 16, 1983.

21. Memorandum of telephone conversation between Thomas Fazio, FDA, and representatives of the Canadian government, September 19, 1983.

22. Letter from G. Ellen, Head, Section of Biological Residue Analysis, Rijksinstituut Voor De Volksgezondheid, The Netherlands, to N. P. Sen, Food Research Division, Sir F. Banting Research Center, Ottawa, Canada, September 21, 1983.

23. Letter from Sandra Eberle, Senior Project Manager, Consumer Product Safety Commission, to Robert M. Schaffner, Associate Director for Physical Sciences, FDA, September 30, 1983.

24. Letter from M. Brownstein, Chief, Chemical Hazards Division, Consumer and Corporate Affairs, Canada, to Sanford A. Miller, Director, Bureau of Foods, FDA, October 4, 1983.

25. Letter from M. Brownstein, Chief, Chemical Hazards Division, Consumer and Corporate Affairs, Canada, to John Thomas, FDA, October 4, 1983.

26. Letter from Frank T. Ryan, Vice-President—Government Relations, RMA, to Robert M. Schaffner, Associate Director for Physical Sciences, FDA, October 20, 1983.

27. Letter from M. Brownstein, Chief, Chemical Hazards Division, Consumer and Corporate Affairs, Canada, to John Thomas, FDA, October 21, 1983.

28. Memorandum of conference between FDA and representatives of Mead-Johnson Co., October 25, 1983.

29. Letter from Sandra Eberle, Senior Project Manager, Consumer Product Safety

Commission, to Taylor Quinn, Associate Director for Compliance, FDA, November 2, 1983.

30. Letter from Sanford A. Miller, Director, Bureau of Foods, FDA, to M. Brownstein, Chief, Chemical Hazards Division, Consumer and Corporate Affairs, Canada, November 3, 1983.

31. Memorandum of meeting between FDA and representatives of the Infant Formula Council, Mead-Johnson Co., and Ross Laboratories, November 10, 1983.

32. Preussmann, R., B. Spiegelhalter, and G. Eisenbrand, "Reduction of Human Exposure to Environmental N-Nitroso Compounds," American Chemical Society Symposium Series 174, 217, 1981.

33. Havery, D. C., and T. Fazio, "Estimation of Volatile N-Nitrosamines in Rubber Nipples for Babies' Bottles," *Food and Chemical Toxicology*, 20:939-944, 1982.

34. Havery, D. C. and T. Fazio, "Survey of Rubber Baby Bottle Nipples for Volatile N-Nitrosamines," Unpublished.

35. *FDA Talk Paper*, "Nitrosamines in Baby Bottle Nipples Reduced," November 9, 1983.

36. Compliance Policy Guide 7117.11.

Interested persons may submit written comments, along with supportive data, on this notice and Compliance Policy Guide 7117.11. The agency is particularly interested in comments on the action level for nitrosamines in hospital rubber nipples. All comments should be submitted to the Dockets Management Branch (address above) by February 29, 1984. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: December 21, 1983.

Mark Novitch,

Acting Commissioner of Food and Drugs.

[FR Doc. 83-34324 Filed 12-23-83; 8:45 am]

BILLING CODE 4160-01-M

## National Institutes of Health

### National Cancer Advisory Board ad hoc Subcommittee on Program Project Grants; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Cancer Advisory Board ad hoc Subcommittee on Program Project Grants, National Cancer Institute, January 9-10, 1984, Brown Palace Hotel, Denver, Colorado. The entire meeting will be open to the public from 8:00 p.m. to recess on January 9, and on January 10 from 8:30 a.m. to adjournment for preparation of the subcommittee report to be presented at the January National Cancer Advisory Board Meeting.

Mrs. Winifred Lumsden, the Committee Management Officer,

National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496-5708) will provide summaries of the meeting and rosters of committee members, upon request.

Mrs. Barbara S. Bynum, Executive Secretary, ad hoc Subcommittee on Program Project Grants, National Cancer Institute, Building 31, Room 10A03, National Institutes of Health, Bethesda, Maryland 20205 (301/496-5147) will furnish substantive program information.

This notice is being published less than 15 days prior to the meeting because originally the meeting was to be held at a later date; but since several of the members will already be in the Denver area, it will be more cost effective to the government to hold the meeting at this time.

Dated: December 20, 1983.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 83-34210 Filed 12-23-83; 8:45 am]

BILLING CODE 4140-01-M

## National Advisory Council on Aging; Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Advisory Council on Aging, National Institute on Aging, on February 2-3, 1984, in Building 31, Conference Room 6, National Institutes of Health, Bethesda, Maryland. This meeting will be open to the public on Thursday, February 2, from 9:00 a.m. until noon for a status report by the Director, National Institute on Aging, and a report from the Council ad hoc Program Committee. It will be open to the public on Friday, February 3, from 9:00 a.m. until adjournment. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92-463, the meeting of the Council will be closed to the public on February 2, from 1:00 p.m. to recess for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. June McCann, Council Secretary for the National Institute on Aging, National Institutes of Health, Building

31, Room 2C05, Bethesda, Maryland 20205 (Area Code 301/496-5898), will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.866, Aging Research, National Institutes of Health)

Dated: December 14, 1983.

**Betty J. Beveridge,**  
*National Institutes of Health Committee Management Officer.*

[FR Doc. 83-34207 Filed 12-23-83; 8:45 am]

**BILLING CODE 4140-01-M**

#### **Board of Regents, the Extramural Programs Subcommittee, and the Lister Hill Center Subcommittee; Meetings**

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Board of Regents of the National Library of Medicine on January 26-27, 1984, in the Board Room of the National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland, and the meetings of the Extramural Programs Subcommittee of the Board of Regents and the Lister Hill Center Subcommittee on the preceding day, January 25, 1984, from 2:00 to 4:00 p.m., in the 5th-floor Conference Room, and from 1:30 to 4:30 p.m. in the 7th-floor Conference Room of the Lister Hill Center Building, respectively. The meeting of the Board will be open to the public from 9:00 a.m. to 5:00 p.m. on January 26 and from 10:00 a.m. to adjournment on January 27 for administrative reports and program discussions. The entire meeting of the Lister Hill Center Subcommittee will be open to the public for a discussion of goals and objectives of the Lister Hill National Center for Biomedical Communications. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4), 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the entire meeting of the Extramural Programs Subcommittee on January 25 will be closed to the public, and the regular Board meeting on January 25 will be closed from 9:00 to 10:00 a.m. for the review, discussion, and evaluation of individual grant applications. These applications and the discussion could reveal confidential trade secrets or commercial property, such as patentable material and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Mr. Robert B. Mehnert, Chief, Office of Inquiries and Publications Management, National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland 20209, Telephone Number: 301-496-6308, will furnish a

summary of the meeting, rosters of Board members, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Program No. 13.879—Medical Library Assistance, National Institutes of Health)

Dated: December 14, 1983.

**Betty J. Beveridge,**  
*National Institutes of Health Committee Management Officer.*

[FR Doc. 83-34208 Filed 12-23-83; 8:45 am]

**BILLING CODE 4140-01-M**

#### **National Cancer Institute; Review of Grant Applications; Meetings**

Pursuant to Public Law 92-463, notice is hereby given for meetings of several committees of the National Cancer Institute.

These meetings will be open to the public to discuss administrative details or other issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available.

These meetings will be closed to the public as indicated below in accordance with the provisions set forth in Sections 552(c)(4) and 552(c)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92-463, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496-5708) will furnish summaries of meetings and rosters of committee members upon request. Other information pertaining to the meetings can be obtained from the Executive Secretary indicated.

Name of Committee: Cancer Research Manpower Review Committee.

Dates: January 19-20, 1984.

Place: National Institutes of Health, Building 31C, Conference Room 7, 9000 Rockville Pike, Bethesda, MD 20205.

Times: Open: January 19, 8:30 a.m.—9:00 a.m.

Agenda: A review of administrative details.

Closed: January 19, 9:00 a.m.—recess.

January 20, 8:30 a.m.—adjournment.

Closure Reason: To review grant applications.

Executive Secretary: Dr. Leon J. Niemiec  
Westwood Building, Room 832 National Institutes of Health Bethesda, MD 20205.  
Phone: 301/496-7978.

(Catalog of Federal Domestic Assistance Number 13.398, project grants in cancer

research manpower, National Institutes of Health)

Name of Committee: Professional Oncology Education Review Committee.

Dates: February 9-10, 1984.

Place: National Institutes of Health, Building 31, Conference Room 2, 9000 Rockville Pike, Bethesda, MD 20205.

Times: Open: February 9, 8:30 a.m.—10:00 a.m.

Agenda: Reports by the Division Director, Branch Chief, and Executive Secretary on committee concerns followed by open discussion and a review of administrative details.

Closed: February 9, 10:00 a.m.—recess.

February 10, 8:30 a.m.—adjournment.

Closure Reason: To review grant applications.

Executive Secretary: Dr. Robert L. Manning, Westwood Building, Room 838, National Institutes of Health, Bethesda, MD 20205. Phone: 301/496-7721.

(Catalog of Federal Domestic Assistance Number 13.398, project grants in cancer research manpower, National Institutes of Health)

Dated: December 14, 1983.

**Betty J. Beveridge,**  
*Committee Management Officer, NIH.*

[FR Doc. 83-34209 Filed 12-23-83; 8:45 am]

**BILLING CODE 4140-01-M**

#### **Public Health Service**

##### **Application Announcement for Special Initiative Grants for Area Health Education Center Programs**

The Bureau of Health Professions, Health Resources and Services Administration, announces that applications for Fiscal Year 1984 Special Initiative Grants for Area Health Education Center Programs are now being accepted under the authority of Section 781(a)(2) of the Public Health Service Act, as amended by Pub. L. 97-414 dated January 4, 1983.

Section 781(a)(2) authorizes Federal assistance to medical and osteopathic schools which have previously received Federal financial assistance for the area health education centers (AHEC) program under either Section 802 of Pub. L. 94-484 or Section 781. This authority is a "Special initiative" provision. Section 781(a)(2) applications will be to improve the distribution, supply, quality, utilization and efficiency of health personnel in the health services delivery system; to encourage regionalization of responsibility of the health profession schools; or to prepare, through preceptorships and other programs, individuals subject to a service obligation under the National Health Service Corps scholarship program to provide effective health services in health manpower shortage areas.

To be eligible to receive support for a special initiative area health education

center program grant, the applicant must be a public or nonprofit private accredited school of medicine or osteopathy, or consortium of such schools, or the parent institution on behalf of such school(s).

To receive support, programs must meet the requirements of final regulations published in the *Federal Register* on February 22, 1983, 42 CFR, Part 57, Volume 48, No. 36.

Requests for application materials and questions regarding grants policy should be directed to:

Grants Management Officer (U-76),  
Bureau of Health Professions, Health Resources and Services Administration, 5600 Fishers Lane, Room 8C-22, Rockville, Maryland 20857, Telephone: (301) 443-6857

Questions regarding programmatic information should be directed to:

Division of Medicine, Area Health Education Center Branch, Bureau of Health Professions, Health Resources and Services Administration, 5600 Fishers Lane, Room 4C-05, Rockville, Maryland 20857, Telephone: (301) 443-6950

Approximately \$440,000 is expected to be available in fiscal year 1984 for competing awards under Section 781(a)(2).

The application deadline date is February 13, 1984. Applications sent by mail will be considered on time if postmarked on or before February 13, 1984 and received on or before February 20, 1984. The term "postmark" means a printed, stamped, or otherwise placed impression, exclusive of a postage meter impression, that is readily identifiable as having been affixed on the date of mailing by an employee of the U.S. Postal Service. All hand delivered applications must be received on or before February 13, 1984.

This program is listed at 13.824 in the *Catalog of Federal Domestic Assistance*. Applications submitted in response to this announcement are not subject to the provisions of Executive Order 12372, Intergovernmental Review of Federal Programs, or 45 CFR Part 100.

Dated: December 20, 1983.

Robert Graham,  
*Administrator, Assistant Surgeon General.*

[FR Doc. 83-34197 Filed 12-23-83; 8:45 am]

BILLING CODE 4160-15-M

### **National Center for Health Services Research; Assessment of Medical Technology**

The Public Health Service (PHS), through the Office of Health Technology Assessment (OHTA), announces that it

is coordinating an assessment of what is known of the safety, clinical effectiveness, and use (indications) of apheresis or thoracic duct drainage when used in preparation for a kidney transplant. Specifically, we are interested in knowing whether these methods have significant advantages or disadvantages when compared with other methods of immunosuppression. If they prove to be safe and clinically effective, what are specific indications for their use and how many courses of therapy are reasonable and necessary? In addition, this assessment seeks to determine whether specific applications of either apheresis or thoracic duct drainage are regarded as investigational or generally accepted treatments.

For the purposes of this announcement, apheresis is defined as a procedure utilizing specialized equipment to remove selected blood constituents (plasma or cells) from whole blood and returning the remaining constituents to the person from whom the blood was taken.

This method of treatment has been used alone or in conjunction with other immunosuppressive modalities in treating severe systemic autoimmune diseases, macro and hyperglobulinemias, acute renal allograft rejection, myasthenia gravis and leukemia.

This assessment addresses primarily the use of apheresis or thoracic duct drainage in preparing patients for a kidney transplant.

The PHS assessment consists of a synthesis of information obtained from appropriate organizations in the private sector and from PHS agencies and others in the Federal Government. PHS assessments are based on the most current knowledge concerning the safety and clinical effectiveness of a technology. Based on this assessment, a PHS recommendation will be formulated to assist the Health Care Financing Administration (HCFA) in establishing Medicare coverage policy. Any person or group wishing to provide OHTA with information relevant to this assessment should do so in writing no later than March 1, 1984 or within 90 days from the date of publication of this notice.

The information being sought is a review and assessment of past, current, and planned research related to this technology, a bibliography of published, controlled clinical trials and other well-designed clinical studies and other information related to the characterization of the patient population most likely to benefit from it, and the clinical acceptability and the effectiveness of this technology.

Written material should be submitted to:

Harry Handelsman, D.O., National Center for Health Services Research, Office of Health Technology Assessment, Park Building, Room 3-10, 5600 Fishers Lane, Rockville, Maryland 20857.

Further information is available from Dr. Harry Handelsman, Health Science Analyst, at above address or by telephone (301) 443-4990.

Dated: December 8, 1983.

Enrique D. Carter,  
*Acting Director, Office of Health Technology Assessment, National Center for Health Services, Research.*

[FR Doc. 83-34309 Filed 12-23-83; 8:45 am]

BILLING CODE 4160-17-M

### **National Center for Health Services Research; Assessment of Medical Technology**

The Public Health Service (PHS) through the Office of Health Technology Assessment (OHTA) announces that it is coordinating an assessment of what is known of the safety, clinical effectiveness, appropriateness, and use (indications) of carbon dioxide lasers in head and neck surgery. Specifically, we are interested in the medical indications for the procedure and its clinical acceptability.

The PHS assessment consists of a synthesis of information obtained from appropriate organizations in the private sector and from PHS agencies and others in the Federal Government. PHS assessments are based on the most current knowledge concerning the safety and clinical effectiveness of a technology. Based on this assessment, a PHS recommendation will be formulated to assist the Health Care Financing Administration (HCFA) in establishing Medicare coverage policy. Any person or group wishing to provide OHTA with information relevant to this assessment should do so in writing no later than March 15, 1984, or approximately 90 days from the date of publication of this notice.

The information being sought is a review and assessment of past, current, and planned research related to this technology, a bibliography of published, controlled clinical trials and other well-designed clinical studies since 1975 and other information related to the characterization of the patient population most likely to benefit from, and the clinical acceptability and effectiveness of this technology. Proprietary information is not being sought.

Written material should be submitted to: Harry Handelsman, D.O., Office of

Health Technology Assessment, Park Building, Room 3-10, 5600 Fishers Lane, Rockville, Maryland 20857.

Further information is available from Dr. Harry Handelsman, Health Science Analyst, at the above address or by telephone (301) 443-4990.

Dated: December 8, 1983.

**Enrique D. Carter,**

*Action Director, Office of Health Technology Assessment, National Center for Health Services Research.*

[FR Doc. 83-34273 Filed 12-23-83; 8:45 am]

**BILLING CODE 4160-17-M**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-83-719; FR-1863]

### Order of Succession; Office of the Manager, Richmond, Virginia Office

**AGENCY:** U.S. Department of Housing and Urban Development.

**ACTION:** Designation of Order of Succession.

**SUMMARY:** The Manager is designating officials who may serve as Acting Manager during the absence, disability, or vacancy in the position of Manager.

**EFFECTIVE DATE:** This designation is effective: September 8, 1983.

**FOR FURTHER INFORMATION:** Peter M. Campanella, Regional Counsel, Office of Counsel, Philadelphia Regional Office, U.S. Department of Housing and Urban Development, Curtis Building, 6th and Walnut Sts., Philadelphia, PA 19106. Telephone Number (215) 597-2655. This is not a toll-free number.

Designation: Each of the officials appointed to the following positions is designated to serve as Acting Manager during the absence, disability, or vacancy in the position of the Manager, with all the powers, functions, and duties redelegated or assigned to the Manager: Provided, that no official is authorized to serve as Acting Manager unless all preceding listed officials in this designation are unavailable to act by reason of absence, disability or vacancy in the position:

1. Deputy Manager.
2. Director, Housing Management Division.
3. Director, Community Planning and Development Division.
4. Director, Housing Development Division.

This designation supersedes the designation effective October 21, 1982.

**Authority:** Delegation of Authority by the Secretary effective October 1, 1970; 36 FR 3389, February 23, 1971.

Dated: December 19, 1983.

**I. Margaret White,**  
*Manager, Richmond Office.*

**Kenneth J. Finlayson,**  
*Regional Administrator, Region III.*

[FR Doc. 83-34237 Filed 12-23-83; 8:45 am]

**BILLING CODE 4210-32-M**

### Office of Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. D-83-720; FR-1865]

### Redelegation of Authority; Regional Administrator et al.; California

**AGENCY:** Department of Housing and Urban Development, HUD.

**ACTION:** Redelegation of Authority.

**SUMMARY:** This redelegation of authority authorizes the Regional Administrator and Deputy Regional Administrator, Region IX (San Francisco) and the Manager and Deputy Manager, Honolulu Office, to exercise the authority of the Assistant Secretary for Housing—Federal Housing Commissioner, to transfer a parcel of Federally-owned surplus land, together with any improvements and related personal property, to the Guam Housing and Urban Renewal Authority.

**EFFECTIVE DATE:** November 18, 1983.

**FOR FURTHER INFORMATION CONTACT:** Angelo M. Scioscia, Manager, Surplus Land Program, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 5182, Washington, D.C. 20410, telephone 202-755-1862. This is not a toll-free number.

**SUPPLEMENTARY INFORMATION:** On May 31, 1983, 1983, at 48 FR 24211, the Secretary of the Department of Housing and Urban Development delegated the responsibility for management and disposition of surplus Federal property to the Assistant Secretary for Housing—Federal Housing Commissioner. The Assistant Secretary for Housing—Federal Housing Commissioner is redelegating this Authority in turn to the Regional Administrator, Deputy Regional Administrator, Region IX (San Francisco) and the Manager and Deputy Manager, Honolulu Office, to expedite the transfer of the below listed parcel of Federally-owned surplus land to Guam.

Accordingly, the Assistant Secretary for Housing—Federal Housing Commissioner, redelegates to the Regional Administrator, Deputy Regional Administrator, Region IX (San Francisco) and the Manager and Deputy Manager, Honolulu Office, the authority to transfer the real property listed below, together with any improvements

and related personal property, to the Guam Housing and Urban Renewal Authority.

Portion (24 Acres) Former Camp Edusa, Anderson Air Force Base, Dededo, Guam, (GSA Control No. 9-D-GU-418).

**Authority:** Section 414 of the Housing and Urban Development Act of 1969, 40 U.S.C. 484b; Delegation of Authority, May 31, 1983, 48 FR 24211.

Dated: December 19, 1983.

**W. Calvert Brand,**

*Acting Assistant Secretary for Housing—Federal Housing Commissioner*

[FR Doc. 83-34235 Filed 12-23-83; 8:45 am]

**BILLING CODE 4210-32-M**

[Docket No. D-83-718; FR-1866]

### Redelegation of Authority; Regional Administrator et al.; Rhode Island

**AGENCY:** Department of Housing and Urban Development, HUD.

**ACTION:** Redelegation of authority.

**SUMMARY:** This redelegation of authority authorizes the Regional Administrator and Deputy Regional Administrator, Region I (Boston) and the Manager, Providence, R.I. Multifamily Service Office, to exercise the authority of the Assistant Secretary for Housing, Federal Housing Commissioner, to transfer a parcel of Federally-owned surplus land, located on the Quonset Point Naval Air Station, North Kingston, Rhode Island, together with any improvements and related personal property, to ASQAH Cooperative, Inc., a nonprofit organization established under the laws of the State of Rhode Island.

**EFFECTIVE DATE:** December 19, 1983.

**FOR FURTHER INFORMATION CONTACT:** Angelo M. Scioscia, Manager, Surplus Land Program, Department of Housing and Urban Development, 451 Seventh Street SW., Room 5182, Washington, D.C. 20410, Telephone 202/755-1862 (This is not a toll-free number).

**SUPPLEMENTARY INFORMATION:** On May 31, 1983, at 48 FR 24211, the Secretary of the Department of Housing and Urban Development delegated the responsibility for management and disposition of surplus Federal property to the Assistant Secretary of Housing, Federal Housing Commissioner. The Assistant Secretary for Housing—Federal Housing Commissioner is redelegating this Authority in turn to the Regional Administrator, Deputy Regional Administrator, Region I (Boston) and the Manager, Providence, R.I. Multifamily Service Office to expedite the transfer of the below listed

parcel of Federally-owned surplus land to ASQAH Cooperative, Inc.

Accordingly, the Assistant Secretary for Housing, Federal Housing Commissioner, redelegates to the Regional Administrator, Deputy Regional Administrator, Region I (Boston) and the Manager, Providence, R.I. Multifamily Service Office, the authority to transfer the real property listed below, together with any improvements and related personal property, to ASQAH Cooperative, Inc., a non-profit organization established under the laws of the State of Rhode Island.

Military Drive Housing Area, Quonset Point Naval Air Station, North Kingston, Rhode Island (GSA Control No. 1-N-RI-469).

Authority: Section 414 of the Housing and Urban Development Act of 1969, 40 U.S.C. 484b; Delegation of Authority, May 31, 1983, 48 FR 24211.

Dated: December 19, 1983.

W. Calvert Brand,

*Acting Assistant Secretary for Housing—  
Federal Housing Commissioner.*

[FR Doc. 83-34233 Filed 12-23-83; 8:45 am]

BILLING CODE 4210-27-M

## DEPARTMENT OF THE INTERIOR

### Office of the Secretary

#### Mineral Lands Leasing Act; Status of Finland; Request for Comments

##### Correction

In FR Doc. 83-32628, appearing on page 55049, in the issue of Thursday, December 8, 1983, in the second column, in the sixth paragraph, in the sixth line, "States of Finland" should read "States and Finland".

BILLING CODE 1505-01-M

### Bureau of Land Management

[F-82044]

#### Leasing of Public Lands Near the Yukon Crossing, Alaska

Under authority of section 302(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732), the Bureau of Land Management is offering to lease approximately 20 acres of land within the SW ¼ of Section 31 of T. 12 N., R. 9 W., Fairbanks Meridian, to provide long-term authorization for an existing, permitted, commercially operated solid waste disposal site.

Because the permit holder has equity in the operation, the lease is being

offered on a non-competitive basis. A renewable 30-year lease is proposed. Processing costs and fair market rental will be paid by the lessee. The lease will be subject to all prior existing rights, and the solid waste disposal site will continue to be operated in compliance with State of Alaska, Department of Environmental Conservation regulations.

Detailed information concerning the lease can be obtained from Jerry Valentine at the Yukon Resource Area Office on Fort Wainwright. Telephone: (907) 356-5367.

For a period of 45 days following the publication of this Notice, interested parties may submit comments to the Bureau of Land Management, Fairbanks District Office, Yukon Resource Area, P.O. 1150, Fairbanks, Alaska 99707.

Carl D. Johnson,  
*District Manager.*

[FR Doc. 83-34262 Filed 12-23-83; 8:45 am]

BILLING CODE 4310-84-M

### Minerals Management Service

#### Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Shell Off shore, Inc.

AGENCY: Minerals Management Service, U.S. Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Shell Offshore Inc. has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 4733, Block 170, High Island Area, offshore Texas.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 838-0519.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and

Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: December 16, 1983.

John L. Rankin,  
*Regional Manager, Gulf of Mexico Region.*

[FR Doc. 83-34264 Filed 12-23-83; 8:45 am]

BILLING CODE 4310-MR-M

#### Oil and Gas Sulphur Operations in the Outer Continental Shelf; Tenneco Oil Exploration and Production

AGENCY: Minerals Management Service, U.S. Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Tenneco Oil Exploration and Production has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 3978, Block 75, Vermilion Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 838-0519.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.



Dated: December 16, 1983.

John L. Rankin,  
Regional Manager, Gulf of Mexico Region.

[FR Doc. 83-34263 Filed 12-23-83; 8:45 am]

BILLING CODE 4310-MR-M

## National Park Service

### Availability and Public Meetings; Proposal and Environmental Assessment for the General Management Plan/Development Concept Plan, and Draft Land Protection Plan; Salinas National Monument, New Mexico

Pursuant to the National Environmental Policy Act of 1969, Title 40 of the Code of Federal Regulations, Part 516 of the Departmental Manual, Chapter 1 of Title 36 of the Code of Federal Regulations, and the policy statement for Preparation of Land Protection Plans printed in the Federal Register on February 14, 1983 (48 FR 6676), the National Park Service has prepared a Proposal and Environmental Assessment for the General Management Plan/Development Concept Plan, and a Draft Land Protection Plan for Salinas National Monument, Torrance and Socorro Counties, New Mexico.

The Proposal and Environmental Assessment for the General Management Plan/Development Concept Plan outlines a proposal and alternative management strategies to insure all reasonable ways of achieving the intent of Congress; and the management objectives of Salinas National Monument have been considered, and the positive and negative impacts of each strategy have been identified and analyzed. The Draft Land Protection Plan identifies methods of assuring the protection of the natural, historic, scenic, cultural, recreational, or other significant resources and providing for adequate visitor use.

Copies of the Proposal and Environmental Assessment for the General Management Plan/Development Concept Plan, and Draft Land Protection Plan are available from Salinas National Monument, Post Office Box 496, Mountainair, New Mexico 87036; and the Southwest Regional Office, Post Office Box 728, Santa Fe, New Mexico 87501, and will be sent upon request.

Public Meetings are scheduled for January 19, 1983, at 7:00 p.m., and January 21, 1983, at 1:00 p.m., at Salinas National Monument Headquarters, in the Shaffer Hotel, Mountainair, New Mexico. The Superintendent and planning team will be available on

January 20, 1983, between the hours of 9:00 a.m. and 4:00 p.m., to meet with the public to answer specific questions on the two plans.

Anyone wishing to comment on the Proposal and Environmental Assessment for the General Management Plan/Development Concept Plan, and Draft Land Protection Plan should provide them to the Superintendent, Salinas National Monument, at the address provided above, within 45 days from the publication date of this notice, or provide them at the public meetings.

Dated: December 14, 1983.

Donald A. Dayton,

Acting Regional Director, Southwest Region.

[FR Doc. 83-34276 Filed 12-23-83; 8:45 am]

BILLING CODE 4310-70-M

### National Register of Historic Places; Alabama et al.; Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before December 16, 1983. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by January 11, 1984.

Carol D. Shull,

Chief of Registration, National Register.

#### ALABAMA

##### Mobile County

Mobile, Church Street East Historic District, Roughly bounded by Broad, Conti, Water, Claiborne, and Canal Sts.

#### CALIFORNIA

##### San Francisco County

San Francisco, Aquatic Park Historic District, Bounded by Van Ness Ave., Hyde and Polk Sts.

#### FLORIDA

##### Duval County

Jacksonville, Florida Baptist Building, 218 W. Church St.

##### Marion County

Ocala, Ocala Historic District, Roughly bounded by Broadway, SE 8th St., Silver Springs Pl., SE 3rd, 13th, and Watula Aves.

##### Pinellas County

Tarpon Springs, Arcade Hotel, 210 Pinellas Ave.

#### GEORGIA

##### Cherokee County

Canton, Canton Commercial Historic District, Roughly bounded by Main, Church, Archer, and Marietta Sts.

##### Gwinnett County

Buford, Allen, John Quincy, House, 345 E. Main St.

##### Lowndes County

Valdosta, Carnegie Library of Valdosta, 305 W. Central Avenue  
Valdosta, Crestwood, 502 Eager Rd.

##### Pickens County

Jasper, Pickens County Jail, N. Main St.

##### Troup County

LaGrange, Broad Street Historic District, Roughly bounded by McLendon Circle, Gordon St., Vernon Rd., and Wavely Way  
LaGrange, Vernon Road Historic District, Vernon Rd. from Jenkins St. to Forrest Ave incl. Ferrell Dr., Broad and Carter Sts.

#### INDIANA

##### Floyd County

New Albany, New Albany and Salem Railroad Station, Pearl and Oak Sts.

#### IOWA

##### Appanoose County

Centerville, Sturdivant-Sawyer House, 707 Drake Ave.

##### Black Hawk County

Cedar Falls, Central Hall (Administration Building), University of Northern Iowa campus

##### Cass County

Atlantic, Martin, S.F., House, 419 Popular St.

##### Grundy County

Wellsburg, Neessen, Chris, House, 601 E. 4th

##### Johnson County

North Liberty, White, H. A., General Store and House, 10 W. Cherry St.

##### Lee County

Keokuk, Harrison, E. H., House, 220 N. 4th St.

##### Marshall County

Marshalltown, Binford, Thaddeus, House, 110 N. 2nd Ave.

##### Polk County

Des Moines, Northwestern Hotel, 321 E. Walnut

##### Winneshiek County

Decorah, Koren Library, Luther College Campus

##### Woodbury County

Sioux City, St. Monica Hospital, 4500 Hamilton Blvd.

#### LOUISIANA

##### Iberia Parish

Jeanerette vic., Alice, LA 87



**Lincoln Parish**

Ruston, *First Presbyterian Church*, 212 N. Bonner St.

**Orleans Parish**

New Orleans, *Criminal Courts Building*, 2700 Tulane Ave.

**MINNESOTA****Hennepin County**

Minneapolis, *Coe, Amos B., House*, 1700 S. 3rd Ave.

Minneapolis, *Farmers and Mechanics Savings Bank*, 115 S. 4th St.

**Winona County**

Winona, *Winona and St. Peter Engine House*, 75 Gould St.

Winona, *Winona and St. Peter Railroad Freight House*, Front and Center Sts.

**MONTANA****Flathead County**

Apgar, *Bull Head Lodge and Studio*, off Going-to-the-Sun-Rd.

**NEBRASKA****Merrick County**

Chapman, *Cahow Barber Shop*, SW. Main St

**NEW MEXICO****Grant County**

Silver City, *Chihuahua Hill Historic District*. Bounded by Cooper, Spring, Bullard, and Chihuahua Sts.

**Sandoval County****Tonque Pueblo****PENNSYLVANIA****Lancaster County**

Marietta vic., *Old Stonehouse and Barn*, E. of Marietta on PA 23

**TEXAS****Kerr County**

Kerrville, *Masonic Building*, 211 Earl Garrett St.

**VIRGINIA****Fauquier County**

Middleburg vic., *Mill House*, U.S. 50

**WASHINGTON****King County**

Seattle, *Church of the Blessed Sacrament, Priory, and School*, 5040-5041 9th Ave. N.E.

**Mason County**

Shelton, *Simpson Logging Company Locomotive No. 7 and Peninsular Railway Caboose No. 700*, 3rd and Railroad Aves.

**Pierce County**

Tacoma, *Old Main (Harstad Hall)*, S. Park Ave. and Garfield St.

**Thurston County**

OLympia, *Hale, Calvin and Pamela, House*, 902 N.E. Tulis St.

Tumwater, *Tumwater Methodist Church*, 219 W. B St.

**WEST VIRGINIA****Berkeley County**

Bedington vic., *Lick Run Plantation*, off U.S. 11

Bunder Hill vic., *Rees, John, David, and Jacob, House*, off U.S. 11

Bunker Hill vic., *Morgan Chapel and Graveyard*, off U.S. 11

Bunker Hill vic., *Morgan, William G., House*, W of Bunker Hill

Gerrardstown vic., *Gold, Washington, House*, S of Gerrardstown

Gerrardstown vic., *McKown, Gilbert and Samuel, House*, WV 51

Gerrardstown vic., *Wilson, William, House*, WV 51

Hedgesville vic., *Hedges, Decatur, House*, WV 9

Hedgesville vic., *Tabb, Edward, House*, off WV 9

Martinsburg vic., *VanDoren, Jacob, House*, E of Martinsburg

**Braxton County**

Telsa vic., *Windy Run Grade School*, off U.S. 19

**Fayette County**

Thurmond, *Thurmond Historic District*, WV 25 at New River

**Jefferson County**

Charles Town vic., *Belvedere*, 811 Belvedere Farm Dr.

Charles Town vic., *Jacks-Manning Farm*, U.S. 340

Halltown, *Halltown Union Colored Sunday School*, off U.S. 340

**Kanawha County**

Charleston, *Barnes-Wellford House (South Hills MRA)*, 66 Abney Circle

Charleston, *Bird Haven (South Hills MRA)*, 733 Myrtle Rd.

Charleston, *Bougemont (South Hills MRA)*, Bougemont Dr.

Charleston, *Briarwood (South Hills MRA)*, 1240 Staunton Rd.

Charleston, *Chesapeake and Ohio Depot (South Hills MRA)*, 305 MacCorkle Ave.

Charleston, *Chilton, W. E. II, (South Hills MRA)*, 1266 Loudon Heights Rd.

Charleston, *Cox-Morton House (South Hills MRA)*, 640 Holley Rd.

Charleston, *Cox-Parks House (South Hills MRA)*, 710 Myrtle Rd.

Charleston, *Crawford-Gardner House (South Hills MRA)*, 743 Myrtle Rd.

Charleston, *Dalgain (McCabe House) (South Hills MRA)*, 1223 Staunton Rd.

Charleston, *Danner-George Fletcher House (South Hills MRA)*, 626 Holley Rd.

Charleston, *Gilliland, William S., Log Cabin and Cemetery (South Hills MRA)*, Loudon Heights and Bridge Rd.

Charleston, *Grosscup Road Historic District (South Hills MRA)*, Grosscup, Roscommon, Roller, and Bridge Rds.

Charleston, *McAndrews-Gallaher House (South Hills MRA)*, 601 Briarwood Rd.

Charleston, *Stoneleigh (South Hills MRA)*, 909 Ridgeway Rd.

Charleston, *Thomas-McJunkin-Love House (South Hills MRA)*, 920 Newton Rd.

Charleston, *Torquillstone (South Hills MRA)*, Spring Rd.

Hansford, *Hansford, Felix G., House*, Centre and 14th Sts.

Pratt, *Pratt Historic District*, Roughly bounded by Ferry St., Kanawha River, Charles and Pratt Aves. incl. cemetery

**Monongalia County**

Morgantown, *Cox, Judge Frank, House*, 206 Spruce St.

Morgantown, *Harner Homestead*, 1818 Listravia St.

Morgantown, *Metropolitan Theatre*, 371 S. High St.

**Monroe County**

Union vic., *Estill, Wallace Sr., House*, WV 122

**Ohio County**

Wheeling, *Centre Market Square Historic District*, Roughly Market St. between 20th and 23rd Sts.

Wheeling, *Chapline Street Row Historic District*, 2301-2323 Chapline St.

**Summers County**

Hinton, *Hinton Historic District*, Roughly bounded by C & O RR, James St., 5th Ave., and Roundhouse

**Taylor County**

Crafton, *Grafton Downtown Commercial Historic District*, Main and Latrobe Sts. between bridge and St. Mary's

**WISCONSIN****Langlade County**

Antigo, *Antigo Opera House*, 1016 5th Ave.

The 15-day commenting period for the following property is to be waived in order to assist the building's preservation through the gift of an easement.

**ARKANSAS****Stone County**

Marcella, *Hess, Thomas E., House*, AR 14

The 15-day commenting period for the following property is to be waived in order to assist the building's preservation through rehabilitation under the Federal tax incentives.

**PENNSYLVANIA****Montgomery County**

Haverford, *Whitehall Apartments*, 410 W. Lancaster Ave.

[FR Doc. 83-34278 Filed 12-23-83; 8:45 am]

**BILLING CODE 4310-70-M**

## Office of Surface Mining Reclamation and Enforcement

### Proposed Expansion of the Fort Union Mine Campbell County, Wyoming; Public Hearing

**AGENCY:** Office of Surface Mining Reclamation and Enforcement, Interior.

**ACTION:** Notice of public meeting.

**SUMMARY:** The Office of Surface Mining (OSM) is in receipt of an application for a surface coal mine permit submitted by Fort Union Mine Partnership for expansion of the Fort Union mine. The project would be located in Campbell County near Gillette, Wyoming. The Fort Union Federal lease (W-5035) was included in the cumulative analyses of the 1974 Final Environmental Impact Statement (EIS) on the Eastern Powder River Coal Basin of Wyoming and the 1981 Final Powder River Regional Coal EIS, both prepared by Bureau of Land Management (BLM). In addition, BLM prepared an Environmental Analysis (EA) on the I-90 Exchange which looked at the possible impacts of mining the remaining area following the exchange. To aid OSM in making its decision on the necessity for a detailed site-specific EIS on the proposed expansion of the Fort Union mine, a public meeting has been scheduled. The purpose of this meeting is to obtain public, county, and State input as to the need for an EIS and to serve as the basis for determining scope, if an EIS is determined to be necessary. The specific impacts caused by the proposed Fort Union Coal mine expansion were not covered site specifically in any detail in any of the previously prepared EIS or EA documents.

See **DATES** for specifics on the meeting.

**ADDRESSES:** Allen D. Klein, Administrator, Western Technical Center, Attn: Charles M. Albrecht, Office of Surface Mining, Brooks Towers, 1020 15th Street, Denver, Colorado 80202.

**FOR FURTHER INFORMATION CONTACT:** Charles M. Albrecht, OSM, Western Technical Center (telephone (303) 837-5421; FTS 327-5421) at the location given under **ADDRESSES**.

**DATES:** A public meeting will be held, starting at 7 p.m. on December 29, 1983, at the Campbell County Recreation Center, Gillette, Wyoming. All interested parties are invited to attend this meeting and to present their comments and concerns about the proposed project.

**SUPPLEMENTARY INFORMATION:** The Fort Union mine is an existing surface coal mine on fee coal. Maximum annual production from the proposed expansion of the mine will be 8.2 million tons per year over the mine's 33-year life. No anticipated changes are expected in either the current employment ceilings or the current transportation facilities. The Fort Union mine partnership acquired the 1912.8 acre South Rawhide coal lease from Exxon Coal Resources USA, Inc. on June 10, 1983. The

assignment of the lease was approved by the BLM effective October 1, 1983.

Fort Union commenced surface coal mining and reclamation operations in 1979 pursuant to permit No. 486 issued by the State of Wyoming, Department of Environmental Quality, Land Quality Division. The area where mining operations are currently on-going is referred to as Pit 1. The proposed expansion, if approved, will include operations in Pit 2, the area covered by Federal coal lease W-5035. Of special interest to the public is the proximity of the proposed Fort Union mine Pit 2 to the city of Gillette. The permit area is accessed via Garner Lake Road which turns north off U.S. Highway 14 and 16, approximately 3 miles east of Gillette.

Dated: December 21, 1983.

J. R. Spradley,

*Acting Director, Office of Surface Mining.*

[FR Doc. 83-34310 Filed 12-23-83; 8:45 am]

**BILLING CODE 4310-05-M**

## INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 30300]

### CSX Corp. Control of American Commercial Lines, Inc.; intent to prepare environmental documentation and invitation to comment

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Notice of intent to prepare environmental documentation and invitation to comment.

**SUMMARY:** An environmental assessment evaluating effects of the above-entitled proceeding will be prepared by the Commission's Section of Energy and Environment under the provisions of 49 CFR Part 1105. This notice identifies some potentially sensitive issues and invites comment with respect to environmental considerations.

**COMMENTS:** Interested persons are encouraged to comment in writing on the issues identified below and any other environmental matters. Written comments should be addressed to: Section of Energy and Environment, Room 4143, Interstate Commerce Commission, 12th Street and Constitution Avenue, NW., Washington, D.C. 20423.

**DATES:** Written Comments should be submitted to the above address on or before January 26, 1984.

**FOR FURTHER INFORMATION CONTACT:** Robert Maestro at (202) 275-0800.

**SUPPLEMENTARY INFORMATION:** The Interstate Commerce Commission has accepted an application of the CSX Corporation (CSX) seeking acquisition and control of American Commercial Lines, Inc. (ACL). The proceeding is docketed as Finance Docket No. 30300. ACL is one of the largest inland water carriers in the United States. CSX is the nation's third largest railway system. The combined CSX-ACL transportation system would serve a 28 state area, as well as Ontario, Canada and the District of Columbia.

We believe that provisions applicable to the acquisition of a railroad by another railroad (49 CFR 1105.6(b)(1) and particularly the reporting requirements at 1105.7) generally are appropriate for this acquisition proceeding. We invite comment, however, with respect to the need or desirability of modifying or supplementing reporting requirements to better suit the nature of the proposed action.

Insofar as specific reporting requirements are concerned, the following areas may be deserving of additional consideration at this stage in the proceeding:

- *Transportation system.* Aside from changes contemplated in applicant's operating plan, is it likely that the proposed action will otherwise affect regional or local transportation systems or patterns, including intra- and intermodal operations? Please explain.

- *Land use.* Other than impacts associated with the expansion of existing facilities or the construction of new facilities, could there be any other effects of the proposed action relative to land use plans and coastal zone management programs? Please explain.

- *Energy.* Could the development or transportation of energy resources, especially coal, be affected by the proposed action? If so, in explaining the effects, please distinguish between eastern and western coal and between coal bound for export and coal shipped for domestic consumption.

Compared with existing transportation patterns, will the proposed action promote or encourage substantial diversion of traffic from one transportation mode to another, particularly from or to truck transportation? Please explain.

- *Water.* Are the reporting requirements contained in 49 CFR 1105.7(c)(9) adequate to assess fairly potential impacts of the proposed action on water resources. Please explain.

Interested persons are invited to address the foregoing issues and any other matters that may have a bearing

on the *environmental* consequences of the proposed action.

Dated: December 20, 1983.

James H. Bayne,  
Acting Secretary.

[FR Doc. 83-34244 Filed 12-23-83; 8:45 am]  
BILLING CODE 7035-01-M

[Finance Docket No. 30364]

**The New York, Susquehanna and Western Railway Corp. and Central New York Railroad Corp.; Merger Exemption**

The New York, Susquehanna and Western Railway Corporation (NYS&W) and Central New York Railroad Corporation (CNY) filed a notice of exemption for CNY to merge into NYS&W.

CNY and NYS&W are wholly-owned rail subsidiaries of the Delaware Otsego Corporation. Consummation of the merger should result in management efficiencies and reduction in costs. Separate accounting and record keeping requirements and separate billing and the general administrative burdens of maintaining two separate corporations will be eliminated. The merger will further allow the NYS&W fully to integrate operations over the CNY, thereby allowing better and more efficient service to rail shippers over the CNY.

This is a transaction within a corporate family of the type specifically exempted from the necessity of prior review and approval under 49 CFR 1180.2(d)(3). It will not result in adverse changes in service levels, significant operational changes or a change in the competitive balance with carriers outside the corporate family.

As a condition to use of this exemption any employees affected by the merger shall be protected pursuant to *New York Dock Ry.—Control—Brooklyn Eastern District*, 360 I.C.C. 60 (1979).

This notice is effective upon publication.

Decided: December 20, 1983.

By the Commission, Heber P. Hardy,  
Director, Office of Proceedings.

James H. Bayne,  
Acting Secretary.

[FR Doc. 83-34240 Filed 12-23-83; 8:45 am]  
BILLING CODE 7035-01-M

[Ex Parte No. 399]

**Rail Carrier's Cost Recovery Percentage; Further Notice of Proposed Costing Standards and Decision**

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Further Notice of Proposed Costing Standards and Decision.

**SUMMARY:** On December 7, 1983 the Commission adopted a final 1983 Cost Recovery Percentage (CRP) of 342.5 percent. Annual publication of a CRP is required by the Staggers Rail Act of 1980 (Staggers Act). The Commission developed CRP will not be used as a threshold for rate regulation of market dominant traffic for the one year period ending September 30, 1984 because the Staggers Act prescribes a maximum threshold level of 175 percent for this period.

**EFFECTIVE DATE:** December 23, 1983.

**ADDRESS:** To obtain copies of the full decision contact: Office of the Secretary, Room 2215, Interstate Commerce Commission, 12th Street and Constitution Avenue, NW., Washington, D.C. 20423, (202) 275-7428.

**FOR FURTHER INFORMATION CONTACT:** William T. Bono (202) 275-7354, Robert C. Hasek (202) 275-0938.

**SUPPLEMENTARY INFORMATION:** The final 1983 CRP (342.5 percent) was calculated by applying actual 1981 regional Rail Form A unit costs to the movements contained on the 1981 ICC Waybill Tape. These revenue contribution or "burden" study procedures apply unit costs to each movement contained on the waybill tape and calculate the revenue to variable cost ratio and the relative contribution or deficit for each movement.

A detailed description of the process follows.

*Expansion of the Waybill Sample*

The waybill tape is a statistical sample of United States railway traffic collected under Commission Order and processed under contract by the United States Department of Transportation. The 1981 waybill tape used for these calculations was modified by ALK Associates of Princeton, New Jersey through the use of the Princeton Railroad Network Model. This model completes and corrects erroneous routing data and adds the actual route mileage between various network points.

Since the 1981 waybill sample contains data reported at several different sampling rates, the sample data were expanded in order to

maintain the proper proportional representation for each sampled movement. Each sampled movement was identified by a unique serial number which served to identify the reporting method.

For the first six months of 1981 all movements represented one percent of the sampled railway traffic and were expanded by a factor of 100. The following serial numbers and reporting methods were used.

| Serial No.              | Reporting method         |
|-------------------------|--------------------------|
| 000,000 to 199,999..... | Individual waybills.     |
| 200,000 to 299,999..... | Multiple car statements. |
| 300,000 to 399,999..... | EM-5 statements.         |

For the second six months of 1981 railroads reported on either a manual or a computerized reporting system. Movements reported on a manual basis were sampled at the following sampling rates and assigned serial numbers 700,000 through 999,999.

| Number of cars in movement | Sampling rate |
|----------------------------|---------------|
| 1 through 5.....           | 1/100         |
| 6 through 25.....          | 1/10          |
| 26 or more.....            | 1/5           |

Each sampled movement was expanded by its appropriate expansion factor.

Movements reported on a computerized basis were assigned serial numbers 400,000A through 699,999A and were sampled at the following rates.

| Number of cars in movement | Sampling rate |
|----------------------------|---------------|
| 1 or 2.....                | 1/40          |
| 3 through 15.....          | 1/12          |
| 16 through 16.....         | 1/4           |
| 61 through 100.....        | 1/3           |
| 101 or more.....           | 1/2           |

Each sampled movement was expanded by its appropriate expansion factor.

*The Revenue Contribution or "Burden" Study*

Expanded sampled waybill data were applied to actual 1981 Rail Form A regional unit costs. These revenue contribution or "burden" study procedures apply unit costs to each movement contained on the 1981 waybill tape and calculate the revenue to variable cost ratio and the relative contribution or deficit for each move. The calculations use separate procedures for trailer-on-flat-car (TOFC)

and other than TOFC movements. The same procedures were used for both regulated and non-regulated commodities. Costs were applied to all records with sufficient data for the computation of a revenue to variable cost ratio. Approximately 3000 records or 1.6 percent of the total records were eliminated because of incomplete data.

Approximately 340 records were determined to be outliers and were not included in the CRP computation. Two linear regressions were run on the 1981 waybill sample for groupings for each 5-digit Standard Transportation Commodity Code (STCC) and origin-territory (ORT) destination-territory (DRT) pair. The two models used were:

1. Revenue/Car = A + B (Ton-miles/car)

2. Tons/Car = A + B (Revenue/car-mile)

Using the intercept (A) and slope (B) for each combination of STCC, ORT, and DRT a residual was calculated for each waybill record. The residual was then normalized (divided by the standard error of estimate). For all waybill records where the normalized residual was outside of +4, the record considered to be an outlier. This procedure flagged 622 waybill records as outliers from all waybill records received as hard copies. No regressions were run on records received as Machine Readable Input (MRI) since MRI carriers had been tested before permitted to submit waybill data in MRI format. The 622 waybill records flagged as outliers were reviewed and the errors found were corrected wherever possible. Where no explanation was found for the record being an outlier, the record was omitted from the waybill file.

All of the costing procedures used were adopted from the methodology used in the Commission's Rail Carload Cost Scales; Statement No. 1C1-77 (TOFC Calculations, Table 17, Other Than TOFC Calculations, Table 3). These procedures simulate the actual handling given to TOFC and other than TOFC shipments by railroads.

The costs for interchanges between railroads were removed from the car-mile cost and added on an actual occurrence basis as determined by the waybill data and the Princeton Railroad Network Model.

Selected cost adjustments developed by the Commission's Office of Special Projects Counsel for Ex Parte No. 270 (Sub-No. 4), *Investigation of Freight Rate Structure*, 345 I.C.C. 73 (1974), were applied to multiple car (six through 49 cars) movements, Trainload (50 or more cars) movements, movements reported on EM-5 Statements and Multiple Car Statements.

1. The following adjustments were applied to multiple car movements and movements reported on EM-5 Statements.

a. Origin and destination switching costs have been reduced by 50 percent.

b. Origin and destination car ownership costs have been reduced by 50 percent.

c. Station clerical costs have been reduced by 25 percent for each car and 25 percent of the cost of a single car has been assigned on a pro rata basis to all cars in the shipment.

2. The following adjustments were applied to trainload movements and to all movements reported on Multiple Car Statements.

a. Origin and destination switching has been reduced by 75 percent.

b. Origin and destination car ownership costs have been reduced by 50 percent.

c. Station clerical costs have been reduced by 25 percent for each car and the 25 percent of the cost of a single car has been assigned on a pro rata basis to all cars in the shipment.

d. Through train costs have been used for the entire movement. No way train costs were used.

e. Inter-train and intra-train switching costs have been eliminated.

f. Interchange switching costs have been reduced by 50 percent.

3. The following "make whole" adjustments were made to traffic not receiving downward cost adjustments.

The total savings resulting from terminal cost reductions for multiple car movements, trainload movements and for all movements reported on EM-5 Statements, have been apportioned to single car movements on a pro rata basis by region.

The total savings resulting from the use of through train costs only rather than a combination of both way train costs and through train costs have been apportioned to both single car and multiple car movements on a pro rata basis by region. Since all movements in a given region receive the same average way train miles, the apportionment of these cost savings on a carload basis is proper.

The total savings resulting from the reduction of trainload interchange costs have been apportioned to both single car and multiple car movements by increasing the cost of the actual interchanges received by single car and multiple car movements.

The total savings resulting from the elimination of inter-train and intra-train switching costs for trainload movements have been apportioned to single car and multiple car movements by increasing

the regional car mile cost for these movements.

#### *The Revenue Reduction Process*

Since the CRP is not known, it must be determined by an iterative process which we have called the revenue reduction process. This is a "trial and error" method which initially assumes that the CRP is the revenue to variable cost ratio of the shipment (or shipments) in the highest revenue to variable cost ratio grouping. At that point, the total revenues of all shipments are compared with the total costs of all shipments. If the total revenues exceed the total costs, revenue is subtracted from the shipment (or shipments) in the highest revenue to variable cost grouping to reduce its revenue to variable cost ratio by one percentage point. The shipment (or shipments) is then combined with those in the next lower revenue to variable cost group and the total revenues and total costs are reexamined. This process is then repeated until the CRP is reached.

As a practical matter, we did not have our computer print out iterations on the revenue to variable cost groups above 1000 percent since it is unlikely that the CRP would be that high. Rather, we began our examination for the CRP at the 1000 percent level. This is also referred to as compressing revenues to the 1000 percent level. Regardless of where we begin showing the numbers, the CRP would be the same.

The results of each of the revenue contribution or "burden" studies were grouped by revenue to variable cost ratio into one percent ranges and arrayed in descending order. (all movements showing a revenue to variable cost ratio of 1.990 to 1.999 percent in one group, movements showing a ratio of 1.980 to 1.989 percent in the next group, etc.) This array of movements is the basis for the revenue reduction process.

Beginning with the highest revenue to variable cost group, revenues were reduced to assume that the revenue ceiling existed at the next lower revenue to variable cost group. This process has the effect of setting the revenue to variable cost ratio at the mid point of the next lower group. The revenue reduction process was repeated to a point below the CRP level.

The cost recovery percentage is determined as the mid point of the revenue to variable cost group corresponding to variable plus fixed costs. The overall Rail Form A variability percentage (variable portion of expenses plus an allowance for cost of capital) was 79.72 percent. In order to

cover total costs (variable costs plus fixed costs), the variable costs developed in Rail Form A must be increased by a fixed cost additive (100 percent divided by 79.72 equals 1.254) or 125.4 percent. The CRP is read at 1.254 in the array.

**Authority:** 49 U.S.C. 10321, 10709, 5 U.S.C. 553

**Dated:** December 7, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison. Vice Chairman Sterrett concurred with a separate expression.

**James H. Bayne,**  
*Acting Secretary.*

[FR Doc. 83-34245 Filed 12-23-83; 8:45 am]  
**BILLING CODE 7035-01-M**

#### [Ex Parte No. 452]

### **Railroad Cost of Capital—1983; Institution of Limited Revenue Adequacy Proceeding**

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Notice of institution of limited revenue adequacy proceeding.

**SUMMARY:** A proceeding will be conducted to make a determination of the railroads' cost of capital for 1983.

**DATES:** Notice of intent to participate due on January 6, 1984.

Statements of railroads due February 29, 1984.

Statements of other interested parties due March 30, 1984.

Rebuttal statements by railroads due April 19, 1984. A Commission decision will be issued as soon as possible after the record is closed.

**ADDRESSES:** Send an original and 15 copies of comments and/or an original and one copy of the notice of intent to participate to: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

**FOR FURTHER INFORMATION CONTACT:** Ward L. Ginn, Jr., (202) 275-7489.

**SUPPLEMENTARY INFORMATION:** By this notice, we are instituting a proceeding to determine the railroad industry's cost of capital rate for 1983. The most recent finding regarding the railroads' cost of capital was made in Ex Parte No. 436, *Railroad Cost of Capital—1982*, served August 4, 1983, (48 FR 35734, August 5, 1983), which determined the industry's 1982 cost of capital. The instant proceeding will be similar in scope to Ex Parte No. 436, *supra*.

Specifically, we are soliciting comments on: (1) The railroads' 1983 cost of debt capital; (2) the railroads'

1983 cost of equity capital; and (3) the 1983 market value capital structure mix of the railroad industry. Our conclusions regarding these matters will be used in our computation of the industry's overall or composite cost of capital for 1983.

We emphasize that, for purposes of this proceeding, comments should focus on the various cost of capital components developed in Ex Parte No. 436, *supra*, and the underlying techniques and methodologies applied in their development. The scope of this proceeding is confined to determining a specific cost of capital.

All Class I railroads shall be respondents in this proceeding. They shall, and other interested parties may, submit evidence that will enable the Commission to update the cost of capital finding of Ex Parte No. 436, *supra*, in light of conditions in the capital markets during 1983. With respect to such evidence, it is important that the Commission and the parties have access to all underlying workpapers and background materials used in the preparation of statements. While it is not necessary to duplicate all workpapers and source materials and distribute a copy to each participant in this proceeding, it is appropriate to provide a listing of all backup and underlying data sources and to provide access to these materials upon request.

Any party intending to participate in the proceeding shall file an original and one copy of a notice of intent to participate. To conserve time, avoid unnecessary expense, and limit the service of statements in this proceeding to parties who intend actively to participate, each notice of intent to participate shall include a detailed statement of: (1) Whether the party's interest extends merely to receiving Commission releases in this proceeding; (2) whether the party wishes to participate by filing and receiving statements; (3) whether, if the party wishes to file statements, its interests can be consolidated with those of other parties by the filing of joint statements; and (4) any other pertinent information to aid in limiting the service list to be issued in this proceeding. The Commission will prepare and make available to all parties submitting notices of intent to participate, a service list containing the names and addresses of all participants.

Evidentiary statements of the parties are due on or before the dates set forth in the preamble to this notice. As indicated, the earliest due date for the submission of comments is February 29, 1984. This timeframe has been established for two reasons. First, it will permit a more accurate and reliable cost

of capital determination. The purpose of this proceeding is to determine the industry's average cost of capital over the course of the entire year. To the extent that actual data for the full twelve months of 1983 will be available to all parties prior to the due date for submission of comments, a more accurate and reliable cost of capital determination will be possible. Second, it treats all respondents fairly to the extent that each, regardless of due date for submission of comments, will be able to view the year 1983 from a historical perspective. In effect, no respondent will be at a disadvantage because it had, as a result of an earlier due date, to submit comments on the basis of incomplete or projected data for 1983.

An original and 15 copies (if possible) of each statement shall be filed with the Commission, and one copy shall be served upon each party on the service list.

Copies of this notice shall be available to the public from the Office of the Secretary, and the notice shall be published in the **Federal Register**.

This action does not appear to affect significantly the quality of the human environment or conservation of energy resources. However, comments are invited.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison.

**Dated:** December 19, 1983.

**James H. Bayne,**  
*Acting Secretary.*

[FR Doc. 83-34241 Filed 12-23-83; 8:45 am]  
**BILLING CODE 7020-02-M**

## **DEPARTMENT OF JUSTICE**

### **Information Collections Under Review**

December 20, 1983.

OMB has been sent for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. The list has all the entries grouped into new forms, revisions, or extensions. Each entry contains the following information:

(1) The name and telephone number of the Agency Clearance Officer (from whom a copy of the form and supporting documents is available); (2) The office of the agency issuing this form; (3) The title of the form; (4) The agency form number, if applicable; (5) How often the form must be filled out; (6) Who will be required or asked to report; (7) An estimate of the number of responses; (8)

An estimate of the total number of hours needed to fill out the form; (9) An indication of whether Section 3504(H) of Pub. L. 96-511 applies; (10) The name and telephone number of the person or office responsible for OMB review. Copies of the proposed forms and supporting documents may be obtained from the Agency Clearance Officer whose name and telephone number appear under the agency name. Comments and questions about the items on this list should be directed to the reviewer listed at the end of each entry and to the Agency Clearance Officer. If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer and the Agency Clearance Officer of your intent as early as possible.

#### Department of Justice

Agency Clearance Officer Larry E. Miesse—202-633-4312

*Extension of the Expiration Date of a Currently Approved Collection Without Any Change in the Substance or in the Method of Collection*

Drug Enforcement Administration,  
Department of Justice  
Report of Theft or Loss of Controlled Substances (DEA 106)

On occasion

Individuals or households, Federal agencies or employees, businesses Sections 1301.74(c) and 1301.76(b), 21 CFR, require that a registrant, upon discovery of a theft or loss of controlled substances, submit DEA Form 106 regarding such theft or loss to the Drug Enforcement Administration for monitoring quantities of controlled substances diverted into the illicit market and developing investigative leads pursuant to criminal prosecutions: 9,868 respondents; 4,934 hours; not applicable under 3504(h).

Rob Veeder—395-4814

Drug Enforcement Administration,  
Department of Justice  
Application for Permit to Export Controlled Substances

On occasion

Businesses or other for-profit, individuals or households Sections 131.22, 21 CFR, requires individuals who export controlled substances listed in Schedules I and II to obtain a permit from the Drug Enforcement Administration. The information is used by DEA for issuing export permits, exercising control over the exportation of controlled substances and to compile data for submission to the United

Nations to honor treaty requirements: 650 responses; 161 hours; not applicable under 3504(h).  
Rob Veeder—395-4814

Larry E. Miesse,  
Departmental Clearance Officer, Systems Policy Staff, Office of Information Technology Justice Management Division.

[FR Doc. 83-34213 Filed 12-23-83; 8:45 am]

BILLING CODE 4410-01-M

#### DEPARTMENT OF LABOR

##### Occupational Safety and Health Administration

##### Advisory Committee on Construction Safety and Health, Meeting

Notice is hereby given that the Advisory Committee on Construction Safety and Health, established under section 107(e)(1) of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333) and section (7)(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 656) will meet on January 11, 1984 in the Yorktown Room, Hyatt Regency Hotel, 400 New Jersey Avenue, NW, Washington, D.C. 20001. The meeting is open to the public and will begin at 9:30 a.m.

The purpose of this meeting will be to review a draft proposal on asbestos.

Written data, views of comments may be submitted, preferably with 20 copies, to the Division of Consumer Affairs. Any such submission received prior to the meeting will be provided to the members of the Committee and will be included in the record of the meeting.

Anyone wishing to make an oral presentations should notify the Division of Consumer Affairs before the meeting. The request should state the amount of time desired, the capacity in which the person will appear, and a brief outline of the content of the presentation.

Oral presentations will be scheduled at the discretion of the Chairman depending on the extent to which time permits. Communications may be mailed to: Kenneth Hunt, Committee Management Officer, Office of Information and Consumer Affairs Occupational Safety and Health Administration, U.S. Department of Labor, 202-523-7177.

Materials provided to members of the Committee are available for inspection and copying at the above address.

Signed at Washington, D.C. this 21st day of December 1983.

Patrick Tyson,  
Deputy Assistant Secretary.

[FR Doc. 83-34277 Filed 12-23-83; 8:45 am]

BILLING CODE 4510-26-M

#### NATIONAL SCIENCE FOUNDATION

##### Forms Submitted for OMB Review

In accordance with the Paperwork Reduction Act and OMB Guidelines, NSF is posting this notice for information collection that will affect the public.

Agency Clearance Officer: Herman G. Fleming, (202) 357-9421

OMB Officer: Andrew Velez-Rivera, (202) 395-7313

Title: NSF Engineering Program Patent Study

Affected Public: Individuals

Number of Responses: 300; total of 300 hours.

**Abstract:** The Evaluation Staff, OAO, is currently performing a study of project grants completed by NSF's Engineering Program between 1968 and 1977. Those patents identified as outputs of research projects will be traced to possible commercialization. The purpose is to determine the extent to which research supported by the NSF's Engineering Program produced patented inventions and whether they were licensed. A one-time survey of some 300 NSF grantees will be conducted by a contractor to obtain such information. The data will be aggregated by patent classification and made a part of the NSF Engineering Program Patent Study report.

Dated: December 21, 1983.

Herman G. Fleming,  
OMB Clearance Officer.

[FR Doc. 83-34247 Filed 12-23-83; 8:45 am]

BILLING CODE 7555-01-M

#### NUCLEAR REGULATORY COMMISSION

##### Documents Containing Reporting or Recordkeeping Requirements; Office of Management and Budget Review

**AGENCY:** Nuclear Regulatory Commission (NRC).

**ACTION:** Notice of the Office of Management and Budget review of information collection.

**SUMMARY:** The Nuclear Regulatory Commission has recently submitted to the Office of Management and Budget (OMB) for review the following proposal for the collection of information required by contract clauses, grant provisions and procurement forms under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35)

**I. Contract Clauses**

1. Type of submission, new, revision or extension: New.
2. The title of the information collection: Information required under contract clauses.
3. The form number if applicable: Not applicable.
4. How often the collection is required: Varies with each particular clause.
5. Who will be required or asked to report: Contractors.
6. An estimate of the number of responses: 1,235—annually.
7. An estimate of the total number of hours needed to complete the requirement or request: 12,900—annually.
8. An indication of whether Section 3504 (h), Pub. L. 96-511 applies: Not applicable.
9. Abstract: Division of Contracts uses clauses in its contracts to ensure adherence to Public Laws, that rights of the Government are protected, that contractual work proceeds on schedule, and that disputes between the parties are settled.

**II. Grant Provisions**

1. Type of submission, new, revision or extension: New.
2. The title of the information collection: Information required under grant provisions.
3. The form number if applicable: Not applicable.
4. How often the collection is required: Varies with each grant provision.
5. Who will be required or asked to report: Grantees.
6. An estimate of the number of responses: 78—annually.
7. An estimate of the total number of hours needed to complete the requirement or request: 730—annually.
8. An indication of whether Section 3504 (h), Pub. L. 96-511 applies: Not applicable.
9. Abstract: Division of Contracts uses provisions in its grants to ensure adherence to Public Laws, that rights of the Government are protected, that grant work proceeds on schedule, and that disputes between the parties are settled.

**III. Billing Instructions for Cost Type Contracts Form**

1. Type of submission, new, revision or extension: New.
2. The title of the information collection: Vouchers submitted resulting from Billing Instructions Form.
3. The form number if applicable: SF 1034 (Voucher).

4. How often the collection is required: Monthly.
5. Who will be required or asked to report: Contractors.
6. An estimate of the number of responses: 300—annually.
7. An estimate of the total number of hours needed to complete the requirement or request: 7,500—annually.
8. An indication of whether Section 3504 (h), Pub. L. 96-511 applies: Not applicable.
9. Abstract: Division of Contracts uses Billing Instructions for NRC Cost Type Contracts to ensure that sufficient cost detail is provided the Government to allow for proper contract administration by the Government. Contractors must follow instructions in preparing invoices for payment under the contract.

**IV. Billing Instructions for NRC Fixed Price Contracts Form**

1. Type of submission, new, revision or extension: New.
2. The title of the information collection: Vouchers submitted resulting from Billing Instructions Form.
3. The form number if applicable: SF 1034 (Voucher).
4. How often the collection is required: At contract completion or for partial payment for delivery of product or service.
5. Who will be required or asked to report: Contractors.
6. An estimate of the number of responses: 100—annually.
7. An estimate of the total number of hours needed to complete the requirement or request: 1,000—annually.
8. An indication of whether Section 3504 (h), Pub. L. 96-511 applies: Not applicable.
9. Abstract: Division of Contracts uses Billing Instructions for Fixed Price Contracts to ensure that sufficient cost detail is provided by the contractor to allow for proper contract administration by the Government. Contractors must follow instructions in preparing invoices for payment under the contract.

**V. Appendix C Statement of Costs Form**

1. Type of submission, new, revision or extension: New.
2. The title of the information collection: Appendix C Statement of Costs.
3. The form number if applicable: NRC Form 228.
4. How often the collection is required: Within three months after each period of performance.
5. Who will be required or asked to report: Contractors.
6. An estimate of the number of responses: 50—annually.

7. An estimate of the total number of hours needed to complete the requirement or request: 500—annually.
8. An indication of whether Section 3504 (h), Pub. L. 96-511 applies: Not applicable.

9. Abstract: Division of Contracts uses the Appendix C Statement of Costs in its Special Research Support Agreements to allow for a determination of the Government's and the contractor's cost share under the Agreement, as well as track cumulative costs. To achieve this, the contractor must complete the statement of costs.

**VI. Property Certification Form**

1. Type of submission, new, revision or extension: New.
2. The title of the information collection: Property Certification.
3. The form number if applicable: Not applicable.
4. How often the collection is required: At contract completion.
5. Who will be required or asked to report: Contractors.
6. An estimate of the number of responses: 100—annually.
7. An estimate of the total number of hours needed to complete the requirement or request: 200—annually.
8. An indication of whether Section 3504 (h), Pub. L. 96-511 applies: Not applicable.
9. Abstract: Property certification is required during the contract closeout process to ascertain the disposition of Government-owned property. Contractor must certify if Government-owned property is in its possession at contract completion.

**VII. Contractor's Release Form**

1. Type of submission, new, revision or extension: New.
2. The title of the information collection: Contractor's Release Form.
3. The form number if applicable: Not applicable.
4. How often the collection is required: At contract completion.
5. Who will be required or asked to report: Contractors.
6. An estimate of the number of responses: 100—annually.
7. An estimate of the total number of hours needed to complete the requirement or request: 1,000—annually.
8. An indication of whether Section 3504 (h), Pub. L. 96-511 applies: Not applicable.
9. Abstract: Contractor's release form is required during the contract closeout process to ensure that the contractor certifies that it releases the Government from liabilities and claims arising under the contract.



**VIII. General Assignment Form**

1. Type of submission, new, revision or extension: New.
2. The title of the information collection: General Assignment Form.
3. The form number if applicable: Not applicable.
4. How often the collection is required: At contract completion.
5. Who will be required or asked to report: Contractors.
6. An estimate of the number of responses: 100—annually.
7. An estimate of the total number of hours needed to complete the requirement of request: 1,000—annually.
8. An indication of whether Section 3504 (h), Pub. L. 96-511 applies: Not applicable.
9. Abstract: General Assignment Form is required during the contract closeout process to ensure that the contractor certifies that it transfers contractor rights and interests in refunds, rebates, and credits to the Government.

**IX. No Offer Response Form**

1. Type of submission, new, revision or extension: New.
2. The title of the information collection: No offer response.
3. The form number if applicable: Not applicable.
4. How often the collection is required: Once for each solicitation document.
5. Who will be required or asked to report: Offerors.
6. An estimate of the number of responses: 20,000—annually.
7. An estimate of the total number of hours needed to complete the requirement of request: 4,000—annually.
8. An indication of whether Section 3504 (h), Pub. L. 96-511 applies: Not applicable.
9. Abstract: No Offer Response Form enables the Agency to ascertain who will not submit proposals for a given requirement as well as keep its Bidder's Mailing List current. Offerors are requested to fill out the form found in RFP packages to supply the information.

**X. Proposal Summary Data Sheet Form**

1. Type of submission, new, revision or extension: New.
2. The title of the information collection: Proposal Summary Data.
3. The form number if applicable: Not applicable.
4. How often the collection is required: Once for each solicitation document.
5. Who will be required or asked to report: Offerors.
6. An estimate of the number of responses: 1,000—annually.

7. An estimate of the total number of hours needed to complete the requirement or request: 1,000—annually.
8. An indication of whether Section 3504 (h), Pub. L. 96-511 applies: Not applicable.
9. Abstract: Form requests very important summary information contained in the proposal. Offerors must fill out the form as part of their proposal submission to indicate who can negotiate and bind the firm, etc.

**XI. Small Business and Small Disadvantaged Business Subcontracting Plan Form**

1. Type of submission, new, revision or extension: New.
2. The title of the information collection: Small Business and Small Disadvantaged Business Subcontracting Plan.
3. The form number if applicable: Not applicable.
4. How often the collection is required: Once.
5. Who will be required or asked to report: Contractors.

6. An estimate of the number of responses: 20—annually.
7. An estimate of the total number of hours needed to complete the requirement or request: 400—annually.
8. An indication of whether Section 3504 (h), Pub. L. 96-511 applies: Not applicable.
9. Abstract: Form requires contractor to comply with Pub. L. 95-507 in subcontracting with small businesses in submitting information related to subcontracting opportunities.

**XII. Instructions for Proposal Presentation Form**

1. Type of submission, new, revision or extension: New.
2. The title of the information collection: Technical and Cost Proposal Resulting From Instructions for Proposal Presentation and Format, Business Management (Cost Proposal) and Technical Proposal Content Requirements.
3. The form number if applicable: Not applicable.
4. How often the collection is required: Once for each solicitation document.
5. Who will be required or asked to report: Offerors.
6. An estimate of the number of responses: 1,000—annually.
7. An estimate of the total number of hours needed to complete the requirement or request: 100,000—annually.
8. An indication of whether Section 3504 (h), Pub. L. 96-511 applies: Not applicable.

9. Abstract: Instructions provide uniformity of format for proposal submissions to aid in the important evaluation process. Instructions provide form and format for contractor to submit its technical and cost proposals.

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 1717 H. Street, NW., Washington, D.C. 20555.

Comments and questions should be directed to the OMB reviewer, Jefferson B. Hill (202) 395-7340.

NRC Clearance Officer is R. Stephen Scott (301) 492-8585.

Dated at Bethesda, Maryland this 19th day of December 1983

For the Nuclear Regulatory Commission.

**Patricia G. Norry,**

*Director, Office of Administration.*

[FR Doc. 83-34286 Filed 12-23-83; 8:45 am]

**BILLING CODE 7590-01-M**

**[Docket No. 50-358]**

**Cincinnati Gas and Electric Company  
(William H. Zimmer Nuclear Power  
Station); Issuance of Director's  
Decision**

Notice is hereby given that the Director, Office of Inspection and Enforcement, has issued a decision concerning a petition dated May 25, 1983, filed by Thomas Devine of the Government Accountability Project as counsel for the Miami Valley Power Project. The petitioner had requested that the Commission take certain actions with respect to the William H. Zimmer Nuclear Power Station. The Director, Office of Inspection and Enforcement, has decided to deny the petitioner's request.

The reasons for this decision are explained in a "Director's Decision under 10 CFR 2.206" (DD-83-19), which is available for public inspection in the Commission's public document room, 1717 H Street, NW., Washington, D.C., and in the local public document room for the Zimmer facility, located at the Clermont County Library, Third and Broadway Streets, Batavia, Ohio, 45103.

Dated at Bethesda, Maryland this 16th day of December 1983.

For the Nuclear Regulatory Commission.

**Richard C. DeYoung,**

*Director, Office of Inspection and Enforcement.*

[FR Doc. 83-34279 Filed 12-23-83; 8:45 am]

**BILLING CODE 7590-01-M**

[Docket No. 50-213]

**Connecticut Yankee Atomic Power Company; Consideration of Issuance of Amendment To Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing**

The United States Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-6 issued to Connecticut Yankee Atomic Power Company (the licensee) for operation of the Haddam Neck Plant located in Middlesex County, Connecticut.

The amendment would approve Technical Specification changes to clarify the licensee's intention to utilize qualified individuals in the dual role of Senior Reactor Operator and Shift Technical Advisor. The action would also incorporate changes necessary to meet requirements of 10 CFR 50.54(m). The request for action is dated October 24, 1983.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The Commission has provided guidance for making a no significant hazards consideration determination (48 FR 14870, April 6, 1983). Example (vii) of this guidance is a change to make a license conform to changes in the regulations, where the license change results in very minor changes to facility operations clearly in keeping with the regulations. The changes proposed with respect to the Licensed Operator Staffing fall within example (vii).

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination

unless it receives a request for a hearing.

Comments should be addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Docketing and Service Branch.

By January 26, 1984, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspects of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for

each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and state comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is

requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Dennis M. Crutchfield: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to William H. Cuddy, Esquire, Day, Berry & Howard, One Constitution Plaza, Hartford, Connecticut 06103, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended positions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Russell Public Library, 119 Broad Street, Middletown, Connecticut 06457.

Dated at Bethesda, Maryland, this 16th day of December, 1983.

For the Nuclear Regulatory Commission.  
**Dennis M. Crutchfield,**  
*Chief, Operating Reactors Branch No. 5,  
Division of Licensing.*

[FR Doc. 83-34280 Filed 12-23-83; 8:45 am]

**BILLING CODE 7590-01-M**

**[Docket Nos. 50-250-OLA; 50-251-OLA;  
ASLBP No. 84-496-03 LA]**

**Florida Power and Light Co. (Turkey  
Point Plant, Unit Nos. 3 and 4); Hearing**

December 20, 1983.

#### **Order Scheduling Prehearing Conference**

Please take notice that a prehearing conference in this proceeding will be held on February 28, 1984 (and on February 29, 1984, if necessary) commencing at 9:30 a.m. in the Council Chambers at City Hall, 790 N.

Homestead Boulevard, Homestead, Florida 33030, in order to:

1. Permit identification of the key issues in the proceeding;
2. Take any steps necessary for further identification of the issues;
3. Consider all intervention petitions to allow the presiding officer to make such preliminary or final determinations as to the parties to the proceeding as may be appropriate; and
4. Establish a schedule for further actions in the proceeding.

Further, pursuant to 10 CFR 2.714(b), by January 25, 1984, any person who filed a petition for leave to intervene shall file a supplement to his petition to intervene which must include a list of the contentions which petitioner seeks to have litigated in the matter and the bases for each contention set forth with reasonable specificity. A response addressing the admissibility of any contentions set forth in a supplement to a petition to intervene, shall be filed by the Licensee on or before February 10, 1984 and by the NRC Staff on or before February 17, 1984.

It is so ordered.

Dated at Bethesda, Maryland, this 20th day of December 1983

For the Atomic Safety and Licensing Board.  
**Dr. Robert M. Lazo,**  
*Chairman, Administrative Judge.*

[FR Doc. 83-34281 Filed 12-23-83; 8:45 am]

**BILLING CODE 7590-01-M**

**[Docket Nos. 50-315 and 50-316]**

**Indiana and Michigan Electric Co.,  
(Donald C. Cook Nuclear Plant Unit  
Nos. 1 and 2); Modification of Order  
Confirming Licensee Commitments on  
Post-TMI Related Issues**

**I**

Indiana and Michigan Electric Company (the licensee) is the holder of Facility Operating License Nos. DPR-58 and DPR-74 which authorizes the operation of the Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2 (the facilities) at steady-state power levels not in excess of 3350 and 3391 megawatts thermal, respectively, for each unit. The facilities consist of pressurized water reactors (PWRs) located at the licensee's site in Barrien County, Michigan.

**II**

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational

Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation were set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee. The NRC issued an "Order Confirming Licensee Commitments on Post-TMI Related Issues," dated March 14, 1983, for Donald C. Cook, Unit Nos. 1 and 2 for a number of these items.

#### **III**

By letters dated May 27, 1983 (2), June 30, 1983, and October 14, 1983, Indiana and Michigan Electric Company requested relief from the dates imposed by the said Order for three items for Donald C. Cook, Unit Nos. 1 and 2. The specific items are II.D.1.2, Relief Valve and Safety Valve Test Programs; II.F.1 Attachment 1, Noble Gas Effluent Monitors; and II.F.1 Attachment 2, Sampling and Analysis of Plant Effluents. Indiana and Michigan Electric Company requested that these completion dates be changed as follows:

II.D.1.2 from July 1, 1983 to December 15, 1983  
II.F.1.1 from May 1983 to End of Unit 1 1983

Outage  
II.F.1.2 from April 1983 to One Week after  
Unit 2 Return to Power July 1983

The staff's evaluation of the licensee's request for revised completion dates is provided herein:

II.D.1.2 Relief Valve and Safety Valve  
Program

In the May 27, 1983 letter (Ref. AEP:NRC:05 85F), the licensee provided notification that their analysis revealed that the discharge piping system for the pressurizers would be overloaded and the piping/supports will be stressed beyond the allowable stress limits. To eliminate the concern, the licensee proposed to drain the water from the safety valve loop seals. The preliminary analysis indicates that thermal hydraulic forces are substantially lower for the case where there is no water in the loop seals. The loop seals will remain drained by the addition of a drain pipe from the loop seals back to the pressurizer. The qualification of the as-built and modified piping system will be performed without the loop seals

water and, if necessary, the supports for the down stream piping will be modified. This qualification and modification effort will require additional work which was not factored into the previous schedule. The staff believes the results of the analysis of the additional work should be presented in the Plant Specific Evaluation of the Relief and Safety Valves. The proposed submission date for the Evaluation of December 15, 1983, or to the end of the calendar year is acceptable.

II.F.1, Attachment 1, Noble Gas Effluent Monitor

II.F.1, Attachment 2, Sampling and Analysis of Plant Effluents

In the May 27, 1983 letter (Ref. AEP:NRC:0678F) and in the June 30, 1983 letter (Ref. AEP:NRC:687G), the licensee reported continuing environmental interface problems with the design and location of noble gas effluent monitors. The installation and associated efforts were to be accomplished during the planned outages for each Unit; Unit No. 1 was to be shutdown for refueling and Unit No. 2 was scheduled for a Technical Specification surveillance outage. Unit No. 2, however, was forced to shutdown ahead of schedule and the licensee was not prepared to complete the activities as planned. The licensee has now completed the noble gas effluent monitor installation, testing, and calibration on both Units. The iodine monitors were essentially completed but since the last efforts require the unit to be operating, the Unit No. 2 iodine monitors were rescheduled to be complete about one week after the unit returned to power; i.e., July 14, 1983. The licensee has subsequently indicated that the calibration and adjustment of iodine monitors on Unit No. 2 was completed on July 9, 1983. We have reviewed the delay in installation of these modifications and the augmented interim instrumentation and procedures that were in place for monitoring the effluents from the plant in the event of an accident.

We have concluded that the licensee made reasonable progress toward installation of the monitors and modifications and that the interim measures that had been established were adequate to permit continued operation of the Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2.

We find, based on the above evaluation, that: (1) The licensee has taken corrective actions regarding the delays and has made a responsible effort to implement the NUREG-0737 requirements noted; (2) there was good cause for the several delays (interface problems and unscheduled unit

outages); and (3) as noted above, interim compensatory measures were provided.

#### IV

Accordingly, pursuant to Sections 103, 161i, and 161o of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered that the licensee shall:

Implement and maintain post-TMI related Item II.D.1.2 no later than December 31, 1983, and maintain Items II.F.1.1 and II.F.1.2 (now complete) as described in the licensee's submittals noted in Section III herein

#### V

The licensee may request a hearing on this Order within 20 days of the date of publication of this Order in the **Federal Register**. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a hearing is to be held, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the licensee should comply with the requirements set forth in Section IV of this Order. This Order shall become effective upon the licensee's consent or upon expiration of the time within which the licensee may request a hearing or, if a hearing is requested by the licensee, on the date specified in an order following further proceedings on this Order.

Dated at Bethesda, Maryland this 16th day of December 1983.

For the Nuclear Regulatory Commission,  
**Darrell G. Eisenhut**,  
*Division of Licensing, Office of Nuclear Reactor Regulation.*

[FR Doc. 83-34282 Filed 12-23-83; 8:45 am]

**BILLING CODE 7590-01-M**

**[Docket No. 50-331]**

#### **Iowa Electric Light and Power Co. et al.; Exemption**

In the matter of Iowa Electric Light and Power Company, Central Iowa Power Cooperative, and Corn Belt Power Cooperative (Duane Arnold Energy Center).

#### I

Iowa Electric Light and Power Company, et al. (the licensee) is the holder of Facility Operating License No. DPR-49 which authorizes the operation of the Duane Arnold Energy Center at steady state reactor power levels not in

excess of 1658 megawatts thermal. The facility consists of a boiling water reactor located at the licensee's site near Palo in Lin County, Iowa. The license provides, among other things, that it is subject to all rules, regulations and Orders of the Commission now or hereafter in effect.

#### II

Section 50.48 of 10 CFR Part 50 requires that licensed operating reactors be subject to the requirements of Appendix R of 10 CFR Part 50. Appendix R contains the general and some of the specific requirements for fire protection programs at licensed nuclear facilities. On February 17, 1981, the fire protection rule for nuclear power plants, 10 CFR 50.48 and Appendix R, became effective. This rule required all licensees of plants licensed prior to January 1, 1979, to submit by March 19, 1981: (1) Plans and schedules for meeting the applicable requirements of Appendix R, (2) a design description of any modifications proposed to provide alternative safe shutdown capability pursuant to Paragraph III.G.3 of Appendix R, and (3) exemption requests for which the tolling provision of § 50.48(c)(6) was to be invoked. The licensee responded to these requirements by a letter dated March 19, 1981, and supplemented its response by information transmitted by letters dated July 3, 1981, June 22, 1982, and January 10 and February 15, 1983.

In these submittals, the licensee requested certain exemptions from the requirements of Section III.G of Appendix R to 10 CFR Part 50, which requires that one train of cables and equipment necessary to achieve and maintain safe shutdown be maintained free of fire damage by one of the following conditions:

a. Separation of cables and equipment and associated non-safety circuits of redundant trains by a fire barrier having a 3-hour rating. Structural steel forming a part of or supporting such fire barriers shall be protected to provide fire resistance equivalent to that required of the barrier;

b. Separation of cables and equipment and associated non-safety circuits of redundant trains by a horizontal distance of more than 20 feet with no intervening combustibles or fire hazards. In addition, fire detectors and an automatic fire suppression system shall be installed in the fire area; or

c. Enclosure of cables and equipment and associated non-safety circuits of one redundant train in a fire barrier having a one-hour rating. In addition, fire detectors and an automatic fire suppression system shall be installed in

the fire area. If these conditions are not met, Section III.G.3 requires alternative shutdown capability independent of the fire area of concern.

By a letter dated April 26, 1983, the Commission issued Exemption from certain requirements of section 50.48 and Appendix R to 10 CFR for Reactor Building Torus Area, North and South Control Rod Drive (CRD) Module Areas, Reactor Building Residual Heat Removal (RHR) Valve Room, Lower Switchgear Room, Battery Rooms, and Essential Switchgear Rooms. The licensee has requested additional exemptions from Section III.G of Appendix R by letters dated June 22, 1982, January 10, 1983, and February 15, 1983. Exemptions were requested for two specific fire areas, specific fire suppression systems, specific fire area boundaries, and a vertical equipment hatch between the CRD Module Areas and the Laydown Areas. The Commission's evaluation and findings regarding the additional exemption requests follow:

1. The licensee requested an exemption from the provisions of Section III.G of Appendix R for the Reactor Building Southwest Corner (Fire Zone 1-G) to the extent that it requires automatic suppression and a one-hour fire barrier for protection of redundant cables and equipment.

The licensee justified the exemption request by stating that, due to a limited quantity of combustible material in the fire area, a fire of sufficient intensity to bridge redundant cable trays or damage the redundant cables in conduit protected by a one-hour barrier is not probable. Furthermore, the licensee will provide a one-hour barrier for the protection of all Division I cables and equipment. Because of the low combustible loading and existing early warning detection system, there is a reasonable assurance that the proposed one-hour barrier will maintain one train free of fire damage in the time interval needed for as fire brigade to respond and manually extinguish the fire.

Our evaluation shows that the proposed modifications along with the level of safety provided in the Reactor Building Southwest Corner Room (Fire Zone 1-G) will be equivalent to the technical requirements of Section III.G of the Appendix R. The licensee's request for this exemption should therefore, be granted.

2. By letters dated June 22, 1982, and January 10, 1983 the licensee requested an exemption from Section III.G, for the Duane Arnold Energy Center Turbine Building Water Treatment Condensate Pump Area (Fire Zone 7-E) to the extent that it requires automatic suppression and one-hour rated fire barriers for the

protection of redundant cables and equipment.

The licensee has justified this request for exemption from suppression capability for this zone by stating that the protection is adequate by virtue of horizontal distances involved and the extremely low combustible loading of the zone. Subsequently, by a letter dated February 15, 1983, the licensee committed to provide a one-hour fire barrier for the protection of all Division I cables in this zone, and provided further justification for not providing automatic suppression.

We have reviewed the licensee's submittals, and find that the combustibles stores in the separation areas are not located directly beneath the redundant safety-related cables. Additionally, curbing and floor drains are provided to prevent any spills from spreading to areas close to safe shutdown cables. The licensee has committed to enclose all Division I cables in this zone in a one-hour rated fire barrier. This protection in conjunction with the configuration of the area, ceiling height, and installed early warning detection system provide reasonable assurance that one train will be maintained free of fire damage in the interval needed for the fire brigade to respond and manually extinguish the fire.

Therefore, we conclude that the existing protection in the Turbine Building Water Treatment Condensate Pump Area, combined with the proposed one-hour barriers for Division I cables, provides a level of fire protection equivalent to the technical requirements of Section III.G of Appendix R and that the licensee's request for this exemption should be granted.

3. By letter dated June 22, 1982 the licensee submitted proposed modifications to several plant areas to comply with Appendix R. By letters dated January 10 and February 15, 1983 the licensee submitted additional information and requested exemption from Section III.G for six areas protected by partial suppression systems.

The licensee based this exemption request on the following bases:

(1) In Zone 2-A there is adequate distance of the cable trays above the floor and below the ceiling, and automatic suppression capability in the vicinity of those trays enclosed in one-hour fire barriers;

(2) Zone 2-B will have low combustible loadings in the vicinity of the protected cables, and automatic suppression in the vicinity of those conduits protected by one-hour fire barrier;

(3) Zone 2-D will have low fire loading (0.01 hour), horizontal separation, automatic suppression in the vicinity of the conduits, and trays enclosed in a one-hour fire barrier;

(4) Zone 3-A will have redundant trays horizontally separated by a minimum of eight feet, low fire loading in the area, and automatic suppression in the vicinity of the conduits and trays enclosed in one-hour fire barrier;

(5) Zone 4-A will have low fire loading in the area, and adequate separation of redundant trays; and

(6) Zone 16-F will have low fire loading in the area, separation of redundant trains, and automatic suppression in the vicinity of the conduits and trays enclosed in one-hour fire barriers.

We have reviewed the licensee's request for this exemption. The licensee prefers not to install a complete suppression system due to the possibility of damaging sensitive electrical equipment in adjacent areas. Our evaluation shows that, in these six areas, the amount of in-situ and anticipated combustible materials could not cause a fire of sufficient magnitude to overwhelm the system. However, if this were to occur, the one-hour fire barriers will provide additional assurance that one train will be maintained free of fire damage in the time interval required for the fire brigade to respond and manually extinguish the fire. Therefore, we conclude that the level of protection provided for the North and South CRD Module areas (2-A and 2-B), the RHR Valve Room (2-D) area, the Laydown (3-A) area, HVAC heat exchanger and Chiller (4-A) area, and the Pumphouse (16-F) area is equivalent to the technical requirements of Section III.G of Appendix R. The requested exemption should therefore, be granted.

4. By a letter dated June 7, 1979 the licensee submitted a fire hazards analysis (FHA) which detailed the fire protection features for each fire area in the plant. We accepted the licensee's FHA as meeting our guidelines, and the divisional boundaries of less than 3-hours were accepted on the basis of combustible loading to which the barrier was exposed. The new fire protection rule, 10 CFR Part 50 Appendix R, was issued subsequent to FHA acceptance. The new rule requires that: (1) Previously approved configurations of fire protection for safe shutdown capability be verified as providing a level of safety equivalent to that envisaged in Appendix R, and (2) an exemption from Appendix R requirements be granted, if the staff's

conclusion were favorable. The licensee, in January 10 and February 15, 1983 letters, indicated that 15 boundaries will be modified to meet the Appendix R requirement, and 37 penetrations between the zones comply with Section III.G of Appendix R. The licensee has requested exemptions for the following 14 remaining boundaries which will not meet the requirements of Section III.G of Appendix R. The boundary zones are listed along with their fire rating and the associated fire loading which could be expected.

| Interfacing zones | Fire rating                       | Expected fire load (HR) |
|-------------------|-----------------------------------|-------------------------|
| 1C 2A/2B.....     | 1½ hr rated upper stairwell door. | 0.16                    |
| 1D 2A/2B.....     | 1½ hr rated lower stairwell door. | 0.13                    |
| 1D 2A/2B.....     | 1½ hr rated stairwell door.       | 0.13                    |
| 1D 2A/2B.....     | 1½ hr rated damper.               | 0.13                    |
| 2A/2B 1C.....     | 1½ hr rated stairwell door.       | 0.38/0.21               |
| 2A/2B 1D.....     | 1½ hr rated lower stairwell door. | 0.38/0.21               |
| 2A/2B 1D.....     | 1½ hr rated stairwell door.       | 0.38/0.21               |
| 2A/2B 1D.....     | 1½ hr rated damper.               | 0.38/0.21               |
| 2A/2B 3A/3B.....  | 1½ hr rated stairwell door.       | 0.38/0.21               |
| 2A/2B 3A/3B.....  | 2 hr rated elevator door.         | 0.38/0.21               |
| 3A/3B 2A/2B.....  | 1½ hr rated stairwell door.       | 0.39/0.26               |
| 3A/3B 4A.....     | 1½ hr rated stairwell door.       | 0.39/0.26               |
| 3A/3B 2A/2B.....  | 2 hr rated elevator door.         | 0.39/0.26               |
| 4A 3A/3B.....     | 2 hr rated stairwell door.        | 0.09                    |

We have reviewed the licensee's request for the exemption for the above 14 boundaries. Because the combustible loading in these areas is appreciably lower than one-half the rating of the fire barriers, a fire in any of these areas would be of sufficiently short duration to assure that the existing barriers will provide adequate protection. We conclude that the existing fire protection in these fire areas provides a level of

fire protection equivalent to the technical requirements of Section III.G of Appendix R to 10 CFR Part 50. The requested exemption should, therefore, be granted.

5. By a letter dated January 10, 1983, the licensee requested an exemption from Section III.G for a 360 square foot vertical equipment hatch opening in the floor between the CRD Module Areas (Fire Areas 2-A/2-B) and laydown areas (Fire Zones 3-A/3-B). In Zone 2-B, three Division I trays are routed horizontally below the edge of open equipment hatch, approximately 6 inches from the edge and 21-24 feet above the floors. In Zone 3-B, four Division II trays are routed horizontally above the hatch's edge, approximately 6 feet from the edge and 18-20 feet above the zone 3-B floor. These cables are separated from the Division I cables by the concrete floor which acts as a considerable heat sink for any fire involving the cables in Zone 2-B located below.

Subsequently, by a letter dated February 15, 1983, the licensee proposed to provide a fixed fire suppression system in the vicinity of the Division I cables routed near the equipment hatch. The proposed suppression system is designed to prevent propagation of a fire through the equipment hatch from fire Zone 2-B to cables in the vicinity of the hatch in the fire Zone 3-B. The fire loading in both the areas is low.

We have reviewed the licensee's request for this exemption from complete automatic suppression requirements of Section III.G. Based on the low combustible loading, the separation and configuration of redundant cables, and the intervening concrete floor and partial suppression system, we believe that one train of cables needed for safe shutdown will be maintained free of fire damage for the time period needed for the fire brigade to respond and manually extinguish the fire. Therefore, we conclude that such a protection is equivalent to the technical requirements of Section III.G of Appendix R, and that this exemption should be granted.

The exemptions are contingent upon the licensee's maintenance of administrative control of transient combustibles which are equivalent to those specified in Section III.K.1 through III.K.8 of Appendix R to 10 CFR Part 50 and any characterization of transient combustibles or design features relating thereto which are specifically discussed in our SER.

### III

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, an exemption is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest.

Therefore, the Commission hereby approves (to the extent indicated) the following exemptions from the requirements of Section III.G of Appendix R of 10 CFR Part 50:

1. Reactor Building Southwest Corner, identified as Fire Zone 1-G to the extent that it requires automatic suppression and a one-hour fire barrier for protection of redundant cables and equipment.

2. Turbine Building Water Treatment Condensate Pump Area, identified as Fire Zone 7-E—to the extent that it requires an automatic suppression system.

3. Fire Zones 2-A, 2-B, 2-D, 3-A, 4-A, and 16-F—to the extent that they require complete fire suppression systems.

4. Interfacing boundaries between the following fire zones:

| Boundaries between   | Fire rating                       | Expected fire load (HR) |
|----------------------|-----------------------------------|-------------------------|
| 1C and 2A/2B.....    | 1½ hr rated upper stairwell door. | 0.16                    |
| 1D and 2A/2B.....    | 1½ hr rated lower stairwell door. | 0.13                    |
| 1D and 2A/2B.....    | 1½ hr rated stairwell door.       | 0.13                    |
| 1D and 2A/2B.....    | 1½ hr rated damper.               | 0.13                    |
| 2A/2B and 1C.....    | 1½ hr rated stairwell door.       | 0.38/0.21               |
| 2A/2B and 1D.....    | 1½ hr rated lower stairwell door. | 0.38/0.21               |
| 2A/2B and 1D.....    | 1½ hr rated stairwell door.       | 0.38/0.21               |
| 2A/2B and 1D.....    | 1½ hr rated damper.               | 0.38/0.21               |
| 2A/2B and 3A/3B..... | 1½ hr rated stairwell door.       | 0.38/0.21               |
| 2A/2B and 3A/3B..... | 2 hr rated elevator door.         | 0.38/0.21               |
| 3A/3B and 2A/2B..... | 1½ hr rated stairwell door.       | 0.39/0.26               |
| 3A/3B and 4A.....    | 1½ hr rated stairwell door.       | 0.39/0.26               |
| 3A/3B and 2A/2B..... | 2 hr rated elevator door.         | 0.39/0.26               |



| Boundaries between | Fire rating                | Expected fire load (HR) |
|--------------------|----------------------------|-------------------------|
| 4A and 3A/3B.....  | 2 hr rated stairwell door. | 0.09                    |

—To the extent that they require separation by three-hour rated fire boundaries.

5. A 360 squarefoot vertical equipment hatch opening in the floor between the CRD Module Areas (Fire Areas 2-A/2-B) and Laydown Areas (Fire Zones 3-A/3-B)—to the extent that it requires a complete automatic suppression system.

The granting of these Exemptions will not result in any significant environmental impact, and pursuant to 10 CFR 51.5(d)(4) an environmental statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

A copy of the Safety Evaluation associated with this action is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the local public document room located at the Cedar Rapids Public Library, 426 Third Avenue, SE., Cedar Rapids, Iowa 52401. A copy may be obtained upon request when addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

The Exemption is effective upon issuance.

Dated at Bethesda, Maryland this 19th day of December 1983.

**Darrell G. Eisenhut,**

*Director, Division of Licensing, Office of Nuclear Reactor Regulation.*

[FR Doc. 83-34283 Filed 12-23-83; 8:45 am]

**BILLING CODE 7590-01-M**

**[Docket No. 50-460-CPA; ASLBP No. 83-485-02 CPA]**

### **Washington Public Power Supply System (WPPSS Nuclear Project No. 1); Hearing Postponement**

December 19, 1983.

#### **Order (Postponing Hearing)**

Upon consideration of the motions by Applicant, the Washington Public Power Supply System, and the NRC Staff for summary disposition, and the response thereto by Intervenor, the Coalition for Safe Power, it appears likely that the matters in controversy can be resolved without an evidentiary hearing or with a hearing more narrowly focused than suggested by Intervenor. Accordingly, the Board deems it advisable to

postpone the evidentiary hearing scheduled to begin on January 10, 1984 until the Board takes further action on the motions for summary disposition.

For the foregoing reason and based upon a consideration of the entire record in this matter, it is, this 19th day of December 1983,

#### **Ordered**

1. That the evidentiary hearing is postponed indefinitely, and
2. That the parties not prefile their direct testimony (as previously scheduled) until further order of the Board.

For the Atomic Safety and Licensing Board.  
**Herbert Grossman,**  
*Chairman, Administrative Judge.*

[FR Doc. 83-34285 Filed 12-23-83; 8:45 am]

**BILLING CODE 7590-01-M**

**[Docket No. 50-259]**

### **Tennessee Valley Authority (Browns Ferry Nuclear Plant, Unit 1); Licensee Commitments on Pipe Crack Related Issues**

#### **I**

The Tennessee Valley Authority (licensee or TVA) is the holder of Facility Operating License No. DPR-33 which authorizes the operation of the Browns Ferry Nuclear Plant, Unit 1, at steady state reactor power levels not in excess of 3293 megawatts thermal (rated power). The facility consists of a boiling water reactor located at the licensee's site in Limestone County, Alabama.

#### **II**

Browns Ferry Unit 1 shut down for refueling and NRC required modifications on April 16, 1983. During the outage an augmented inservice inspection of the recirculation and residual heat removal (RHR) piping was performed in accordance with IE Bulletin No. 83-02, "Stress Corrosion Cracking in Large-Diameter Stainless Steel Recirculation System Piping at BWR Plant." As a result of the number of indications of cracks found in welds in these two systems, TVA decided to inspect every austenitic stainless steel or bi-metallic weld in all of the Class I piping. Under the expanded program, TVA inspected every weld that it was possible to inspect in the recirculation, RHR, core spray (CS), head spray (HS), reactor water cleanup (RWCU) and control rod drive (CRD) systems. Altogether, 216 welds were examined. There were 25 welds that could not be completely inspected using the enhanced ultrasonic inspection technique (UT) due to physical access

limitations or basic design of the weld joints. Overall, out of a total of 216 welds inspected, 54 welds showed reportable linear indications of which 33 were in the recirculation system, 14 in the RHR system, four were in the core spray system and three were in the RWCU system.

Of the 54 welds with reported indications, the licensee's crack growth evaluation indicated that nine welds did not need to be weld overlay repaired because the final flaw sizes in these welds at the end of an 18-month fuel cycle would be well within the ASME Code allowable limits. As part of a research and development program to determine the accuracy of the UT procedures being used, three welds were cut out and the sections of piping replaced. The remaining 42 welds were weld overlay repaired.

The staff reviewed the licensee's submittals dated July 18, 1983, August 4, 1983, August 5, 1983, October 19, 1983 and November 17, 1983 including the weld overlay designs and calculations of crack growth. These submittals adequately supported continuing service of Browns Ferry Unit 1 for at least an 18-month period with the repaired and unrepaired welds.

As a final proof test, the licensee conducted a hydrostatic test in accordance with the ASME Code. The test was conducted with the pipe insulation removed and with teams of inspectors checking each weld. The test was performed at a nominal 110% of operating pressure (i.e., 1090 psi at 180°F at the RWCU sweep-o-let to valve weld). The test demonstrated that all welds were sound.

In addition, the staff also performed independent calculations and evaluations of the repaired, unrepaired and replacement welds. The three welds that were replaced, using heat sink welding and nuclear grade 304 stainless steel, are acceptable for unlimited continued service. The staff's evaluation of the unrepaired welds used a more conservative crack growth rate curve than the one used by the licensee. With this more conservative curve, and assuming the maximum detected crack depth is doubled, the final crack size at the end of an 18-month period is well within the ASME Code allowable limits. The staff concluded that the Code design safety margin in the nine defective unrepaired welds will be maintained during continued operation of the plant for a period of at least 18 months. For the repaired welds, the staff in its evaluations used a less favorable residual stress redistribution than was used by the licensee. Even with this



more conservative approach, the staff concluded that all repairs will provide adequate assurance of safe operation during the next 18-month fuel cycle.

The staff has also independently evaluated the 25 welds that could not be completely examined ultrasonically due either to access limitations or basic design of the weld joints. All except six of the 25 welds can be isolated from the main reactor system. Four of these six welds are on small size piping (4" to 6" diameter); even a significant break in one of these lines is well within the makeup capacity of the feedwater system or any one of the emergency core cooling systems. The two remaining welds are on the discharge piping from a recirculation pump. In the event of a significant crack in one of these welds, isolation of the loop would prevent uncovering of the core. Therefore, the staff concluded that continuous operation of the plant during the next 18-month fuel cycle with the 25 uninspected welds was acceptable. The bases for the staff's conclusions are discussed in a safety evaluation report which is being issued concurrently with this Order.

The staff recently amended the Technical Specifications for Browns Ferry Units 1, 2 and 3 to incorporate the more stringent limits on unidentified drywell leakage identified in NUREG-0313, Revision 1 (i.e., to limit unidentified leakage to 2 gpm in any 24 hour period), to require much more frequent monitoring of leakage rates and to reduce from 7 days to 72 hours the period of time for operation with the leakage monitoring systems out of service. These enhanced surveillance measures will provide adequate assurance that if cracks were to develop in the pipes, the cracks would be detected before growing to a size that will compromise the safety of the plant.

### III

Although the calculations discussed above indicated that the cracks in the unreinforced welds will not progress to the point of leakage during the next 18 months of operation following startup from this outage, and very wide margins are expected to be maintained over crack growth which could compromise safety, uncertainties in crack sizing and growth rate still remain. Furthermore, information on the long-term performance of weld overlay repairs is limited.

For the above reasons, the staff has determined that plans for inspections, corrective actions, and/or modifications, including replacement of the recirculation and/or other reactor coolant pressure boundary piping

systems during the next refueling outage, must be submitted for staff review at least one month before the start of the next refueling outage. In addition, the staff has determined that a justification for continued operation must be submitted to NRC for review and approval prior to startup after the next refueling outage.

By letter dated December 13, 1983, the licensee committed to submit plans for inspection and/or modification of the piping prior to the next refueling outage and to provide justification for continued operation in Cycle 7—the cycle following the next refueling outage. I have determined that the public health and safety require that the licensee's commitments be confirmed by an immediately effective Order.

### IV

Accordingly, pursuant to Sections 103, 161i, 161o and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that:

1. Plans for inspections, corrective actions and/or modifications, including replacement of the recirculation and/or other reactor coolant pressure boundary piping systems during the next refueling outage shall be submitted for NRC review at least one month before the start of the next refueling outage.

2. At least one month prior to startup of the facility in Cycle 7 after its next refueling outage, a justification for continued operation shall be submitted for NRC review and approval.

3. The Director, Division of Licensing, may in writing relax or terminate any of the above provisions for good cause upon a timely written request from the licensee.

### V

The licensee may request a hearing within twenty (20) days of the date of publication of this Order in the **Federal Register**. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall be sent to the Executive Legal Director at the same address. A request for a hearing shall not stay the immediate effectiveness of this order.

If a hearing is to be held, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the matters set forth in Section III of the Order, the licensee should comply with

the requirements set forth in Section IV of this Order. This Order is effective upon issuance.

Dated at Bethesda, Maryland this 19th day of December, 1983.

For the Nuclear Regulatory Commission.

**Darrell G. Eisenhut,**

*Director, Division of Licensing.*

[FR Doc. 83-34284 Filed 12-23-83; 8:45 am]

**BILLING CODE 7590-01-M**

### **Request for Action Under 10 CFR 2.206 Regarding Integrated Containment Leak Rate Testing at Commercial Nuclear Power Facilities**

Notice is hereby given that, by three petitions dated November 29, 1983, Edward M. Gogol sought emergency relief and immediate action to remedy alleged inadequacies in the conduct of integrated leak rate testing at U.S. nuclear power reactors, including specifically La Salle Units 1 and 2 and Byron Units 1 and 2. Severe errors, defects, and loopholes are alleged in the integrated leak rate testing methodology now in use. A variety of relief is requested including placing La Salle Unit 1 in cold shutdown, ceasing further construction and licensing activities with respect to La Salle Unit 2 and Byron Unit 1, and shutting down reactors with insufficient evidence of adequate containment leak rate testing. The petitions are being treated pursuant to 10 CFR 2.206 of the Commission's regulations and, accordingly, appropriate action will be taken on these requests within a reasonable time. A copy of the petitions are available for inspection in the Commission's public document room, 1717 H Street, NW, Washington, DC 20555 and at the local public document room for the La Salle Station, Units 1 and 2 at Illinois Valley Community College, Rural Route #1, Oglesby, Illinois 61348 and Byron Units 1 and 2 at Rockford Public Library, 215 N. Wyman Steet, Rockford, Illinois 61101 and Byron Public Library, 218 W. Third Street, Byron, Illinois 61010.

Dated at Bethesda, Maryland, this 16th day of December 1983.

For the Nuclear Regulatory Commission.

**Edson G. Case,**

*Acting Director, Office of Nuclear Reactor Regulation.*

[FR Doc. 83-34287 Filed 12-23-83; 8:45 am]

**BILLING CODE 7590-01-M**

### **Advisory Committee on Reactor Safeguards; Proposed Meetings**

In order to provide advance information regarding proposed

meetings of the ACRS Subcommittees and of the full Committee, the following preliminary schedule is published to reflect the current situation, taking into account additional meetings which have been scheduled and meetings which have been postponed or cancelled since the last list of proposed meetings published November 29, 1983 (48 FR 53773). Those meetings which are definitely scheduled have had, or will have, an individual notice published in the Federal Register approximately 15 days (or more) prior to the meeting. Those Subcommittee meetings for which it is anticipated that there will be a portion or all of the meeting open to the public are indicated by an asterisk (\*). It is expected that the sessions of the full Committee meeting designated by an asterisk (\*) will be open in whole or in part to the public. ACRS full Committee meetings begin at 8:30 a.m. and Subcommittee meetings usually begin at 8:30 a.m. The time when items listed on the agenda will be discussed during full Committee meetings and when Subcommittee meetings will start will be published prior to each meeting. Information as to whether a meeting has been firmly scheduled, cancelled, or rescheduled, or whether changes have been made in the agenda for the January 1984 ACRS full Committee meeting can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committee (telephone 202/634-3267, ATTN: Barbara Jo White) between 8:15 a.m. and 5:00 p.m., Eastern Time.

#### ACRS Subcommittee Meetings

*\*Shearon Harris Nuclear Power Plant Units 1 and 2*, January 3 and 4, 1984, Apex, NC. The Subcommittee will review the application of the Carolina Power and Light Company for an operating license. Notice of this meeting was published December 15, 1983.

*Safety Research Program*, January 11, 1984, Washington, D.C. The Subcommittee will discuss the Office of Management and Budget (OMB) final mark on the NRC Safety Research Program Budget for FY 1985 and 1986; the impact of the OMB-proposed budget reductions on continuing and proposed research contracts; and a draft version of the Annual ACRS Report to the Congress on the related matter.

*\*Class 9 Accidents*, January 11, 1984, Washington, D.C. The Subcommittee will review the draft technical issues position papers related to Severe Accident Phenomenology and Containment Loading and the revised final Severe Accident Policy Statement.

*\*Reliability and Probabilistic Assessment*, January 11, 1984 (Tentative), Washington, D.C. The

Subcommittee will discuss and provide comment on the draft "PRA Reference Document".

*\*Diablo Canyon Nuclear Power Plants Units 1 and 2*, January 19, 1984, Los Angeles, CA. The Subcommittee will review the design verification results and the significance of errors found and corrected at Diablo Canyon Nuclear Power Plant Units 1 and 2.

*\*Reactor Radiological Effects*, January 23, 24 and 25, 1984, Washington, D.C. The Subcommittee will review occupational doses associated with TMI-2 cleanup, Sizewell B ALARA strategy and occupational exposures; discuss the formulation of a position regarding de minimis levels; and discuss with DOE representatives the ACRS comments on DOE's review of NRC's radiation and health effects research programs.

*\*Advanced Reactors*, January 25 and 26, 1984, Chicago, IL. The Subcommittee will continue the development of the report, "LMFBR Safety Philosophy and Issues."

*\*Emergency Core Cooling Systems (ECCS)*, January 31, 1984, Washington, D.C. The Subcommittee will continue the review of the General Electric SAFER ECCS Evaluation Model Code.

*\*Combined Emergency Core Cooling Systems (ECCS) and Decay Heat Removal*, February 1 and 2, 1984, Washington, D.C. The Subcommittee will discuss the status of feed-and-bleed capability in PWRs.

*\*Human Factors*, February 7, 1984, Washington, D.C. The Subcommittee will discuss with the NRC Staff the status of implementing requirements for emergency response capability (NUREG-C737 Supplement 1 issues). As part of this discussion the Staff will describe Procedure Generation Packages (PGPs) and will provide a status of Human Factors Control Room Design Reviews. The Subcommittee will also review industry guidelines regarding alcohol and drug abuse programs.

*\*Regulatory Activities*, February 8, 1984 (Tentative), Washington, D.C. The Subcommittee will review Regulatory Guide 1.35, Rev. 3, "Inservice Inspection of Ungrouted Tendons in Prestressed Concrete Containment Structures;" Regulatory Guide 1.35.1, "Determining Prestressing Forces for Inspection of Prestressed Concrete Containments;" Regulatory Guide 1.12, Rev. 2, "Seismic Instrumentation;" and proposed general revisions to Appendix J to 10 CFR 50, "Primary Reactor Containment Leakage Testing for Water-Cooled Power Reactors."

*\*Safety Philosophy, Technology, and Criteria*, February 8, 1984, Washington,

D.C. The Subcommittee will meet with NRC Management and discuss with them their perception of the risk which they associate with a selected collection of recent NRC decisions and the basis on which this level of risk is considered to be acceptable.

*\*Qualification Program for Safety-Related Equipment*, February 22, 1984, Washington, D.C. The Subcommittee will review the status of Generic Issue A-46, "Seismic Qualification of Equipment for Operating Reactors" and proposed revisions to the NRC Equipment Qualification Research Plan.

*\*ACRS Seminar on Probabilistic Risk Assessment*, February 23 and 24, 1984, Washington, D.C. A seminar will be held on the state-of-the-art of probabilistic risk assessment.

*\*Maintenance Practices and Procedures*, March 14, 1984, Washington, D.C. The Subcommittee will review the current status of maintenance practices and procedures.

*\*AC/DC Power Systems Reliability*, Date to be determined, Washington, D.C. The Subcommittee will discuss the status of the NRC Staff actions on Generic Issue B-56, "Diesel Reliability," and Generic Issue A-30, "Adequacy of Safety-Related DC Power Supplies."

*\*Class 9 Accidents*, Date to be determined, Washington, D.C. The Subcommittee will discuss the revised final Severe Accident Policy Statement.

*\*Emergency Core Cooling Systems (ECCS)*, Date to be determined, Washington, D.C. The Subcommittee will continue the review of the joint NRC/B&W/EPRI integral test program.

*\*Reactor Operations*, Date to be determined, Washington, D.C. The Subcommittee will review a differing professional opinion related to the Westinghouse Safety Parameter Display Systems (SPDS).

#### ACRS Full Committee Meeting

January 12-14, 1984: Items are tentatively scheduled.

*\*A. Shearon Harris Nuclear Power Plant*—Operating license review.

*\*B. National Bureau of Standards Reactor*—Power level increase and license extension.

*\*C. NRC Safety Research Program and Budget*—ACRS report to U.S. Congress for FY 1985-1986 budget/program.

*\*D. PRA Reference Document*—Review of proposed NRC reference document on current state of PRA and its application to nuclear power plants.

*\*E. Proposed NRC Severe Accident Policy*—Briefing regarding proposed decisionmaking process regarding

consideration of severe accidents in the regulatory process.

**\*F. Revised NRC Enforcement Policy**—Briefing regarding proposed changes in NRC enforcement policy.

**\*G. Seismic Design of Nuclear Plants**—Review of changes in NRC requirements regarding seismically induced vibratory ground motion.

**\*H. ACRS Subcommittee Activities**—Discuss safety related activities of designated ACRS subcommittees including proposed NRC rule (10 CFR 50) on frequency of emergency planning, extreme environmental phenomena, maintenance of nuclear power plant systems and components.

**\*I. Reactor Operating Experience**—Reports by NRC representatives regarding recent reactor operating experience such as activities related to management deficiencies at the Quad Cities Nuclear Station Unit 1.

**\*J. Meeting with NRC Commissioners** (tentative)—Discuss ACRS recommendations/positions regarding designated safety related issues.

**\*K. NRC Regulatory Activities** (tentative)—Briefing by NRC Office Director regarding office responsibilities/activities.

February 9–11, 1984—Agenda to be announced.

March 15–17, 1984—Agenda to be announced.

Dated: December 21, 1983.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 83-34288 Filed 12-23-83; 8:45 am]

BILLING CODE 7590-01-M

#### **Advisory Committee on Reactor Safeguards, Subcommittee on Diablo Canyon Nuclear Power Plant Units 1 and 2; Meeting**

The ACRS Subcommittee on Diablo Canyon Nuclear Power Plant Units 1 and 2 will hold a meeting on January 19, 1984, at the Holiday Inn-Convention Center, Windsor Room, 1020 S. Figueroa Street, Los Angeles, CA. The Subcommittee will review the design verification program and the significance of errors found and corrected at Diablo Canyon Nuclear Power Plant Units 1 and 2. Notice of this meeting was published November 29, 1983 (48 FR 53773).

In accordance with the procedures outlined in the *Federal Register* on September 28, 1983 (48 FR 44291), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only

by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Cognizant Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

**Thursday, January 19, 1984—8:30 a.m. Until the Conclusion of Business**

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the Pacific Gas and Electric Company, NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepared telephone call to the cognizant Designated Federal Employee, Mr. John C. McKinley (telephone 202/634-1413) between 8:15 a.m. and 5:00 p.m., EST.

Dated: December 21, 1983.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 83-34289 Filed 12-23-83; 8:45 am]

BILLING CODE 7590-01-M

#### **Advisory Committee on Reactor Safeguards, Subcommittee on Maintenance Practices and Procedures; Postponed**

The ACRS Subcommittee on Maintenance Practices and Procedures scheduled for January 10, 1984, Room 1046, 1717 H Street, NW, Washington, DC has been postponed to March 14, 1984. Notice of this meeting was published Monday, December 19, 1983 (48 FR 56128).

Dated: December 21, 1983.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 83-34291 Filed 12-23-83; 8:45 am]

BILLING CODE 7590-01-M

#### **Advisory Committee on Reactor Safeguards, Subcommittee on Qualification Program for Safety-Related Equipment; Rescheduled**

The ACRS Subcommittee on Qualification Program for Safety-Related Equipment scheduled for January 11, 1984 has been rescheduled for February 22, 1984, 8:30 a.m., Room 1046, 1717 H Street, NW, Washington, DC. The Subcommittee will review the status of Generic Issue A-46, "Seismic Qualification of Equipment for Operating Reactors" and discuss proposed changes to the Equipment Qualification Research Program Plan.

All other items regarding this meeting remain the same as announced in the *Federal Register* published Monday, December 19, 1983 (48 FR 56127).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Anthony Cappucci (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EST.

Dated: December 21, 1983.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 83-34290 Filed 12-23-83; 8:45 am]

BILLING CODE 7590-01-M

#### **Advisory Committee on Reactor Safeguards, Subcommittee on Reliability and Probabilistic Assessment; Meeting**

The ACRS Subcommittee on Reliability and Probabilistic Assessment will hold a meeting on January 11, 1984, Room 1118, at 1717 H Street, NW, Washington, D.C. The Subcommittee will discuss and provide comment on the draft "PRA Reference Document."

In accordance with the procedures outlined in the *Federal Register* on September 28, 1983 (48 FR 44291), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittees, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

**Wednesday, January 11, 1984—8:30 a.m.  
Until the Conclusion of Business**

During the initial portion of the meeting, the Subcommittee along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding the topics to be discussed.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the Designated Federal Employee, Dr. Richard Savio (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EST.

Dated: December 19, 1983.

**John C. Hoyle,**

*Advisory Committee Management Officer.*

[FR Doc. 83-34292 Filed 12-23-83; 8:45 am]

**BILLING CODE 7590-01-M**

#### **Advisory Panel for the Decontamination of Three Mile Island, Unit 2**

Notice is hereby given pursuant to the Federal Advisory Committee Act that the Advisory Panel for the Decontamination of Three Mile Island, Unit 2 will be meeting on January 12, 1984, from 7:00 p.m. to 10:00 p.m. at the Holiday Inn, 23 South Second Street, Harrisburg, Pennsylvania 17101. The meeting will be open to the public.

At this meeting, the Panel will discuss the licensee's funding plans for cleanup of the damaged reactor.

Further information on the meeting may be obtained from Dr. Michael T. Masnik, Three Mile Island Program Office, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone 303/492-7466.

Dated: December 21, 1983.

**John C. Hoyle,**

*Advisory Committee Management Officer.*

[FR Doc. 83-34293 Filed 12-23-83; 8:45 am]

**BILLING CODE 7590-01-M**

#### **OFFICE OF PERSONNEL MANAGEMENT**

##### **Excepted Service**

**AGENCY:** Office of Personnel Management.

**ACTION:** Notice.

**SUMMARY:** This gives notice of positions placed or revoked under Schedules A, B, and C in the excepted service, as required by Civil Service Rule VI. Exceptions from the Competitive Service.

**FOR FURTHER INFORMATION CONTACT:** William Bohling, 202-632-6000.

**SUPPLEMENTARY INFORMATION:** The Office of Personnel Management published its last monthly notice updating appointing authorities established or revoked under the Excepted Service provisions of 5 CFR Part 213 on November 22, 1983 (48 FR 52789). Individual authorities established or revoked under Schedules A, B, or C between November 1, 1983 and November 30, 1983 appear in a listing below. Future notices will be published on the fourth Tuesday of each month, or as soon as possible thereafter. A consolidated listing of all authorities will be published as of June 30 of each year.

##### **Schedule A**

The following exception is revoked:

##### *Department of Energy*

Temporary, intermittent, or seasonal field assistants at GS-5, or its equivalent, and below in such areas as forestry, range management, soils, engineering, fishery and wildlife management, and with surveying parties. Effective November 10, 1983.

##### **Schedule B**

The following exceptions are established:

##### *National Endowment for the Humanities*

One humanist Administrator, Fellowships at Centers for Advanced Study Division of Fellowships and Seminars. Effective November 17, 1983.

One humanist Administrator, Summer Seminars for Secondary School Teachers, Division of Fellowships and Seminars. Effective November 17, 1983.

One humanist Administrator, Summer Stipends, Division of Fellowships and Seminars. Effective November 17, 1983

One humanist Administrator, Basic Research Programs, Division of Research Programs. Effective November 22, 1983.

One humanist Administrator, Translation Program, Reference Works

Program, Division of Research programs. Effective November 22, 1983.

One humanist Administrator, Editions Program, Reference Works Program, Division of Research Programs. Effective November 22, 1983.

*U.S. Information Agency, Voice of America*

Up to 150 positions at grades GS-15 and below in the Cuba Service. Appointments may not be made under this authority to administrative, clerical, and technical support positions. Effective November 28, 1983.

The following exceptions are revoked:

##### *National Endowment for the Humanities*

One Assistant Director, Seminars of the Professions, Division of Fellowships and Seminars. Effective November 17, 1983.

One assistant Director for Fellowships, Division of Fellowships and Seminars. Effective November 17, 1983.

##### **Schedule C**

The following exceptions are established:

##### *Department of Agriculture*

One Confidential Assistant to the Assistant Secretary for Governmental and Public Affairs, Office of Governmental and Public Affairs. Effective November 10, 1983.

One Secretary (Typing) to the Executive Assistant to the Secretary, Office of the Secretary. Effective November 15, 1983.

One Private Secretary to the Special Assistant to the Secretary, Office of the Secretary. Effective November 25, 1983.

##### *Department of the Army*

One Secretary (Stenography) to the Assistant Secretary of the Army (Research, Development and Acquisition). Effective November 10, 1983.

One Plans Coordinator to the Chief of Public Affairs, Office of the Secretary Effective November 25, 1983.

##### *Department of Commerce*

One Confidential Assistant to the Deputy Assistant Secretary for International Economic Policy, International Trade Administration. Effective November 2, 1983.

One Secretary (Typing) to the Director, Minority Business Development Agency Effective November 10, 1983.

One Deputy Director, Office of Public Affairs. Effective November 10, 1983

One Confidential Assistant to the Program Director for Business Affairs,

National Oceanic and Atmospheric Administration. Effective November 30, 1983.

#### *Department of Defense*

One Special Assistant to the Deputy Assistant Secretary of Defense (East Asia and Pacific Affairs), Office of the Under Secretary of Defense for Policy. Effective November 2, 1983.

One Private Secretary to the Assistant Deputy Under Secretary of Defense (Policy), Office of the Under Secretary of Defense for Policy. Effective November 18, 1983.

One Special Assistant for Policy Analysis to the Deputy Assistant Secretary of Defense (Near Eastern and South Asian Affairs), Office of the Under Secretary of Defense for Policy. Effective November 18, 1983.

#### *Department of Education*

One Special Assistant to the Executive Assistant to the Secretary for Private Education, Office of the Secretary. Effective November 2, 1983.

One Secretary's Regional Representative to the Under Secretary in Philadelphia, Pennsylvania, Office of the Under Secretary. Effective November 21, 1983.

One Secretary to the Director, Regional Liaison, Office of the Under Secretary. Effective November 25, 1983.

One Confidential Assistant to the Counselor/Executive Assistant to the Secretary, Office of the Secretary. Effective November 25, 1983.

#### *Department of Energy*

One Secretary (Confidential Assistant) to the Executive Assistant to the Secretary, Office of the Secretary. Effective November 4, 1983.

One Confidential Assistant (Secretary) to the Deputy Secretary, Office of the Deputy Secretary. Effective November 4, 1983.

One Executive Assistant to the Director, Office of Energy Research. Effective November 7, 1983.

One Deputy Assistant Secretary for Senate Liaison, Office of Congressional, Intergovernmental and Public Affairs. Effective November 16, 1983.

One Secretary (Confidential Assistant) to the Under Secretary, Office of the Under Secretary. Effective November 25, 1983.

#### *Department of Health and Human Services*

One Director, Office of Intergovernmental and Congressional Affairs in Denver, Colorado. Effective November 18, 1983.

One Director, Office of Intergovernmental and Congressional

Affairs in San Francisco, California. Effective November 21, 1983.

One Director, Public Affairs in Dallas, Texas. Effective November 21, 1983.

One Director, Office of Intergovernmental and Congressional Affairs in New York, New York. Effective November 25, 1983.

#### *Department of Housing and Urban Development*

One Special Assistant to the Regional Administrator in Philadelphia, Pennsylvania, Office of the Regional Administrator. Effective November 10, 1983.

One Senior Assistant for Congressional Relations, Office of Legislation and Congressional Relations. Effective November 10, 1983.

One Executive Assistant to the Regional Administrator in New York, New York, Office of the Regional Administrator. Effective November 10, 1983.

One Special Assistant to the Regional Administrator for Governmental Relations in Chicago, Illinois, Office of the Regional Administrator. Effective November 10, 1983.

One Special Assistant to the Under Secretary, Office of the Under Secretary. Effective November 14, 1983.

One Staff Assistant to the Assistant to the Secretary for Labor Relations. Effective November 18, 1983.

One Executive Assistant to the Deputy Assistant Secretary for Single Family Housing and Mortgage Activities. Effective November 21, 1983.

One Special Assistant to the Director of the Executive Secretariat, Office of Administration. Effective November 22, 1983.

#### *Department of the Interior*

One Special Assistant to the Assistant to the Secretary and Director, Office of Congressional and Legislative Affairs. Effective November 15, 1983.

One Special Assistant to the Deputy Director, National Park Service. Effective November 21, 1983.

#### *Department of Labor*

One Staff Assistant to the Deputy Under Secretary for International Affairs. Effective November 3, 1983.

One Staff Assistant to the Solicitor of Labor, Office of the Solicitor. Effective November 21, 1983.

One Regional Representative to the Deputy Under Secretary for International Affairs in Atlanta, Georgia. Effective November 25, 1983.

#### *Department of State*

One Protocol Officer (Visits) to the Chief of Protocol, Office of the Chief of Protocol. Effective November 21, 1983.

One Special Assistant to the Assistant Secretary, Bureau of Oceans and International Environmental and Scientific Affairs. Effective November 25, 1983.

One Deputy Coordinator to the Coordinator for Public Diplomacy for Latin America and the Caribbean. Effective November 28, 1983.

#### *Department of Transportation*

One Private Secretary to the Chief Counsel, Federal Aviation Administration. Effective November 15, 1983.

One Confidential Assistant to the Assistant Secretary for Governmental Affairs, Office of the Secretary. Effective November 29, 1983.

One Special Assistant to the Assistant Secretary for Public Affairs, Office of the Secretary. Effective November 29, 1983.

One Confidential Secretary to the Secretary. Effective November 30, 1983.

One Confidential Secretary to the Deputy Secretary, Office of the Secretary. Effective November 30, 1983.

One Secretary (Typing) to the Chief of Staff, Office of the Secretary. Effective November 30, 1983.

One Staff Assistant to the Departmental Coordinator for Minority Affairs, Office of the Secretary. Effective November 30, 1983.

#### *Department of the Treasury*

One Staff Assistant to the Treasurer of the United States. Effective November 4, 1983.

#### *Agency for International Development*

One Special Assistant to the Director, Office of Policy Development and Program Review. Effective November 15, 1983.

One Special Assistant to the Assistant Administrator, Bureau for Africa. Effective November 22, 1983.

#### *Commission on Civil Rights*

One Confidential Secretary to the Staff Director. Effective November 1, 1983.

One Confidential Assistant to a Commissioner, Office of the Staff Director. Effective November 18, 1983.

#### *Commodity Futures Trading Commission*

One Administrative Assistant to a Commissioner, Office of Commissioner West. Effective November 2, 1983.

*Environmental Protection Agency*

One Confidential Assistant to the Deputy Administrator, Office of the Deputy Administrator. Effective November 10, 1983.

One Program Advisor to the Administrator, Office of the Administrator. Effective November 18, 1983.

One Special Assistant to the Administrator, Office of the Administrator. Effective November 21, 1983.

One Staff Assistant to the Administrator, Office of the Administrator. Effective November 21, 1983.

One Special Assistant to the General Counsel, Office of the General Counsel. Effective November 28, 1983.

One Special Assistant to the Assistant Administrator, Office of Administration and Resources Management. Effective November 28, 1983.

*Federal Emergency Management Agency*

One Special Assistant to the Associate Director, State and Local Programs and Support Directorate. Effective November 21, 1983.

One Executive Assistant (Stenography) to the Deputy Director. Effective November 28, 1983.

*Federal Home Loan Bank Board*

One Secretary to the Chairman, Office of the Chairman. Effective November 2, 1983.

*Government Printing Office*

One Staff Assistant to the Congressional Relations Officer. Effective November 14, 1983.

*Harry S. Truman Scholarship Foundation*

One Secretary (Stenography) to the Executive Secretary. Effective November 2, 1983.

*International Trade Commission*

One Staff Assistant (Economics) to a Commissioner. Effective November 29, 1983.

*Office of Personnel Management*

One Supervisory Special Assistant to the Assistant Director, Office of Planning and Evaluation. Effective November 15, 1983.

One Supervisory Special Assistant to the Assistant Director, Office of Planning and Evaluation. Effective November 15, 1983.

*Pension Benefit Guaranty Corporation*

One Secretary (Stenography) to the Deputy Executive Director. Effective November 18, 1983.

*United States Information Agency*

One Special Assistant to the Associate Director for Programs, Bureau of Programs. Effective November 25, 1983.

*Veterans Administration*

One Confidential Assistant to the Associate Deputy Administrator for Logistics, Office of the Administrator. Effective November 15, 1983.

Office of Personnel Management.

Donald J. Devine,

Director.

[FR Doc. 83-34112 Filed 12-23-83; 8:45 am]

BILLING CODE 6325-01-M

**OFFICE OF THE UNITED STATES  
TRADE REPRESENTATIVE****Determination Regarding the  
Withdrawal From Warehouse of  
Certain Stainless Steel Bar**

**AGENCY:** Office of the United States Trade Representative.

**ACTION:** Notice.

**SUMMARY:** This notice permits the withdrawal from warehouse for consumption of a quantity of certain stainless steel bar, presently subject to quota.

**EFFECTIVE DATE:** December 28, 1983.

**FOR FURTHER INFORMATION CONTACT:**

Joseph S. Papovich, Office of the United States Trade Representative, (202) 395-4946.

**SUPPLEMENTARY INFORMATION:**

Presidential Proclamation 5074 of July 19, 1983 (48 FR 33233), provides for the temporary imposition of increased tariffs and quantitative restrictions on certain stainless steel and alloy tool steel imported into the United States. Headnote 10(d) of the Tariff Schedules of the United States authorizes the U.S. Trade Representative to authorize the restraint level for any such steel to be exceeded during a restraint period by publishing a notice in the *Federal Register*.

Accordingly, I have determined that an amount not to exceed one short ton of the following stainless steel bar, provided for in Tariff Schedules of the United States (TSUS) item 926.10, may be entered for consumption or withdrawn from Customs bonded warehouse, in excess of the restraint level provided for the period October 20,

1983-January 19, 1984, for the "Other" foreign country category:

Round stainless steel bar, centerless ground, not less than 2.342 millimeters and not more than 2.347 millimeters in diameter, 3 meters in length, containing, in addition to iron, each of the following elements by weight in the amount specified:

Carbon: 0.45 percent;  
Manganese: 0.50 percent;  
Sulfur: 0.005 percent;  
Phosphorus: 0.019 percent;  
Silicon: 0.35 percent;  
Chromium: 12.75 percent;  
Nickel: 0.30 percent;  
Copper: 0.05 percent;  
Molybdenum: 0.04 percent;  
Aluminum: 0.01 percent;

certified by the importer of record or the ultimate consignee at the time of entry for use in the manufacture of dental burs.

In addition, an identical amount shall be deducted from the quota quantity allocated to the "Other" foreign country category for TSUS item 926.10 for the restraint period January 20, 1984-April 19, 1984. This determination supersedes the provisions of the notice of October 20, 1983 (48 FR 48888), to the extent inconsistent herewith.

William E. Brock,

U.S. Trade Representative.

[FR Doc. 83-34223 Filed 12-23-83; 8:45 am]

BILLING CODE 3190-01-M

**PENSION BENEFIT GUARANTY  
CORPORATION****Public Information Collection  
Requirements Submitted to OMB for  
Review**

**AGENCY:** Pension Benefit Guaranty Corporation.

**ACTION:** Notice of information collection.

On November 30, 1983, the Pension Benefit Guaranty Corporation (PBGC) submitted the 5500 series of forms to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-411. Copies of that submission may be obtained by calling the PBGC Clearance Office on (202) 254-4776 or by writing to Robert E. Geiger, Human Resources and Support Services Department, Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, D.C. 20006. Comment regarding this information collection should be addressed to Leonard Lenoci, Insurance Operations Department (511), Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, D.C.



20006, and to OMB reviewer listed below.

Date Submitted: November 30, 1983.  
Submitting Bureau: Pension Benefit Guaranty Corporation.

OMB Number: 1210-0016.

Form Number: 5500, 5500-C, 5500-K and 5500-R.

Type of Submission: Extension of expiration date of a currently approved collection without any change in the substance or in the method of collection.

Title: Annual Return/Report of Employee Benefit Plan.

Purpose: Forms listed above are annual information returns filed by employee benefit plans. The PBGC uses the data to determine if the plan appears to be in compliance with Title IV of ERISA (Pub. L. 93-406).

OMB Reviewer: Arnold Strasser, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

Robert E. Geiger,

Senior Agency Official.

[FR Doc. 83-34253 Filed 12-23-83; 8:45 am]

BILLING CODE 7708-01-M

## SMALL BUSINESS ADMINISTRATION

[License No. 06/06-0237]

### Charter Venture Group, Inc.; Application for Approval of Conflict of Interest Transaction Between Associates

Notice is hereby given that Charter Venture Group, Incorporated, (Charter), 5150 N. Shephard, Suite 218, Houston, Texas 77018, a Federal Licensee under the Small Business Investment Act of 1958, as amended, has filed an application with the Small Business Administration pursuant to § 107.903 of the Regulations governing small business investment companies (13 CFR 107.903 (1983)) for approval of a conflict of interest transaction.

Charter proposes to invest \$200,000 in Texas First Brokerage Services, Inc. (Texas First), 1st Floor, 1360 Post Oak Boulevard, Houston, Texas. The investment will consist of \$50,000 in Subordinated Debentures and \$150,000 in Class B Common Stock. This is a participation in a \$1,600,000 private placement and part of a total \$2,000,000 capitalization and formation of this new company.

The conflict of interest arises because Mr. Lawrence E. Kelly, one of the co-founders of Texas First, is an Advisory Director to Charter Bank—Houston, a 55.7 percent shareholder of Charter. Thus, Texas First is deemed as

Associate of Charter under Section 107.3(f) of SBA Rules and Regulations. Therefore, the proposed transaction falls within the purview of § 107.903(b)(3) of the Regulations and requires prior written approval of SBA.

Notice is hereby given that any person may, not later than fifteen (15) days from the date of publication of this Notice, submit written comments to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this notice will be published in a newspaper of general circulation in Houston, Texas area.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: December 19, 1983.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 83-34319 Filed 12-23-83; 8:45 am]

BILLING CODE 8025-01-M

[Application No. 06/06-5281]

### Chen's Financial Group, Inc.; Application for a License To Operate as a Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to Section 107.102 of the Regulations governing small business investment companies (13 CFR § 107.102 (1983)), for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended (the Act), (15 U.S.C. 661 *et seq.*), and the Rules and Regulations promulgated thereunder.

Applicant and address: Chen's Financial Group, Inc., 1616 W. Loop South, Suite 404, Houston, Texas 77027.

The proposed officers, directors and stockholders of the Applicant are as follows:

Samuel S. C. Chen, 5839 Armcliff, Houston, Texas 77088—Chairman, President, Director and 90% Stockholder

Sue Jean Chen, 5839 Armcliff, Houston, Texas 77088—Secretary and Director  
S. L. "Ray" Chen, 5839 Armcliff, Houston, Texas 77088—Vice President, Treasurer, Director and 10% Stockholder

The Applicant, a Texas corporation, with its principal place of business at 1616 W. Loop South, Suite 404, Houston, Texas 77088, will begin operations with

\$1,000,000 paid-in capital and paid-in surplus.

The applicant will conduct its activities principally in the State of Texas.

As a small business investment company under Section 301(d) of the Act, the Applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Act, as amended from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Notice is hereby given that any person may, not later than 15 days from the date of publication of this Notice, submit written comments to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this notice should be published in a newspaper of general circulation in the Houston, Texas area.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: December 16, 1983.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 83-34318 Filed 12-23-83; 8:45 am]

BILLING CODE 8025-01-M

[Application No. 06/06-0282]

### Home Capital Corp.; Application for a License To Operate as a Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR § 107.102 (1983)), for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended (the Act), (15 U.S.C.



661 *et seq.*), and the Rules and Regulations promulgated thereunder.

Applicant and address: Home Capital Corporation, 1177 West Loop South, Houston, Texas 77252.

The proposed officers, directors and stockholders of the Applicant are as follows:

Isaac Heimbinder, 2 Glendenning, Houston, Texas 77024—Chairman of the Board and Director

Thomas A. Napoli, 12203 Wedgehill Lane, Houston, Texas 77077—President, General Manager and Director

Jon Lee Andersen, 11503 Rocky Bend Drive, Houston, Texas 77077—Vice President, Secretary and Director  
Lawrence McAfee, 2518 Bering Drive, Houston, Texas—Vice President and Director

U.S. Home Acceptance Corporation, 1177 West Loop South, Houston, Texas 77252—100 percent

The applicant, a Delaware corporation, will begin operations with \$1,000,000 paid-in capital and paid-in surplus.

The applicant will conduct its activities principally in the Southeastern, Southcentral, Southwestern, Western and Rocky Mountain regions of the United States.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Notice is hereby given that any person may, not later than 15 days from the date of publication of this Notice, submit written comments to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of this notice should be published in a newspaper of general circulation in the Houston, Texas area.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: December 16, 1983.

Robert G. Lineberry,  
Deputy Associate Administrator for Investment.

[FR Doc. 83-34320 Filed 12-23-83; 8:45 am]  
BILLING CODE 8025-01-M

[License No. 06/06-0279]

### **Retzloff Capital Corp.; Issuance of a License To Operate as a Small Business Investment Company**

On October 4, 1983, a notice was published in the **Federal Register** (Vol. 48, 45329), stating that an application has been filed by Retzloff Capital Corporation, 15000 Northwest Freeway, Suite 310A, Houston, Texas 77240, with the Small Business Administration (SBA) pursuant to 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1983)) for a license as a small business investment company.

Interested parties were given until close of business October 19, 1983, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA issued License No. 06/06-0279 on December 8, 1983, to Retzloff Capital Corporation to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 50.011, Small Business Investment Companies)

Dated: December 19, 1983.

Robert G. Lineberry,  
Deputy Associate Administrator for Investment.

[FR Doc. 83-34316 Filed 12-23-83; 8:45 am]  
BILLING CODE 8025-01-M

[License No. 09/09-5261]

### **YFY Capital Corp.; Termination of License**

Notice is hereby given that the Small Business Administration has terminated the small business investment company license (License No. 09/09-5261) which was issued to YFY Capital Corporation (YFY) 533 Jackson Street, San Francisco, California 94133, on October 15, 1980.

YFY has complied with all the conditions set forth by SBA for the surrender of its license except the return of the license certificate for cancellation. Therefore, under the authority vested by the Small Business Investment Act of 1958, as amended, and pursuant to the Regulations promulgated thereunder, the License of YFY is hereby terminated and it is no longer licensed to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Company)

Dated: December 19, 1983.

Robert G. Lineberry,  
Deputy Associate Administrator for Investment.

[FR Doc. 83-34317 Filed 12-23-83; 8:45 am]  
BILLING CODE 8025-01-M

## **DEPARTMENT OF TRANSPORTATION**

### **Maritime Administration**

#### **Maritime Advisory Committee; Working Group on Ship Costs**

**AGENCY:** Maritime Administration, DOT.  
**ACTION:** Notice.

**SUMMARY:** The Maritime Advisory Committee's Working Group on Ship Costs will meet Thursday, January 19, 1984, at 8:30 a.m. The meeting will be held in DOT's Nassif Building, 400 Seventh Street, S.W., Washington, D.C., Room 7200. The agenda includes further development of recommendations relating to vessel capital costs, shipboard operating costs, auxiliary equipment costs and corporate management costs to assist in making the U.S. maritime industry more competitive in worldwide marine transportation. The meeting will be open to the public on a space-available basis.

Dated: December 20, 1983.

By Order of the Maritime Administrator.  
Georgia P. Stamas,  
Secretary.

[FR Doc. 83-34182 Filed 12-23-83; 8:45 am]  
BILLING CODE 4910-81-M

## **DEPARTMENT OF THE TREASURY**

### **Fiscal Service**

#### **Renegotiation Board Interest Rate; Prompt Payment Interest Rate**

The Renegotiation Board previously published the rate of interest determined by the Secretary of the Treasury pursuant to section 105(b)(2) of the Renegotiation Act of 1951, as amended. Since the Renegotiation Board is no longer in existence, the Department of the Treasury is publishing the current rate of interest. Also, pursuant to section 2(b)(1) of Public Law 97-177, dated May 21, 1982, the Secretary of the Treasury is responsible for computing and publishing the interest rate to be used in cases under the Prompt Payment Act.

Therefore, notice is hereby given that, pursuant to the above mentioned sections, the Secretary of the Treasury has determined that the rate of interest applicable for the purpose of said sections, for the period beginning

January 1, 1984 and ending on June 30, 1984, is 12- $\frac{3}{8}$  per centum per annum.

Carole J. Dineen,

*Fiscal Assistant Secretary.*

[FR Doc. 83-34196 Filed 12-23-83; 8:45 am]

BILLING CODE 4810-35-M

## VETERANS ADMINISTRATION

### Agency Forms Under OMB Review

**AGENCY:** Veterans Administration.

**ACTION:** Notice.

The Veterans Administration has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). This document contains proposed new collections and lists the following information: (1) The department or staff office issuing the form; (2) The title of the form; (3) The agency form number, if applicable; (4) How often the form must be filled out; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to fill out the form; and (8) An indication of whether section 3504(h) of Pub. L. 96-511 applies.

**ADDRESSES:** Copies of the proposed forms and supporting documents may be obtained from Patricia Viers, Agency Clearance Officer (004A2), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 389-2146. Comments and questions about the items on this list should be directed to the VA's OMB Desk Officer, Dick Eisinger, Office of Management and Budget, 726 Jackson Place, NW, Washington, DC 20503, (202) 395-6880.

**DATES:** Comments on the forms should be directed to the OMB Desk Officer within 60 days of this notice.

Dated: December 20, 1983.

By direction of the Administrator.

**Dominick Onorato,**

*Associate Deputy Administrator for Information Resources Management.*

### New Collections

1. Department of Medicine and Surgery
2. 1983 Physician/Dentist Compensation and Employment Survey
3. VA Form 10-20761, A and B (NR)
4. Reporting Requirement
5. Individuals or households, State or local governments, Businesses or other for-profit, Federal agencies or employees, Non-profit institutions.
6. 6,090 responses
7. 2,715 hours
8. Not applicable

[FR Doc. 83-35256 Filed 12-23-83; 8:45 am]

BILLING CODE 8320-01-M

## DEPARTMENT OF THE TREASURY

### Office of the Secretary

[Department Circular; Public Debt Series—No. 39-83]

### Treasury Notes of January 15, 1991; Series D-1991

December 21, 1983.

#### 1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of Chapter 31 of Title 31, United States Code, invites tenders for approximately \$5,250,000,000 of United States securities, designated Treasury Notes of January 15, 1991, Series D-1991 (CUSIP No. 912827 QJ 4). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

#### 2. Description of Securities

2.1. The securities will be dated January 4, 1984, and will bear interest from that date, payable on a semiannual basis on July 15, 1984, and each subsequent 6 months on January 15 and July 15 until the principal becomes payable. They will mature January 15, 1991, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Securities registered as to principal and interest will be issued in denominations of \$1,000, \$5,000, \$10,000, \$100,000, and \$1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different

denominations and of registered and book-entry securities, and the transfer of registered securities will be permitted. Bearer securities will not be available, and the interchange of registered or book-entry securities for bearer securities will not be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

#### 3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, prior to 1:30 p.m., Eastern Standard time, Wednesday, December 28, 1983. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, December 27, 1983, and received no later than Wednesday, January 4, 1984.

3.2. The face amount of securities bid for must be stated on each tender. The minimum bid is \$1,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender, and the amount may not exceed \$1,000,000.

3.3. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are permitted to submit tenders only for their own account.

3.4. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be

accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.5. A noncompetitive bidder may not have entered into an agreement, or make an agreement with respect to the purchase or sale or other disposition of any noncompetitive awards of this issue in this auction prior to the designated closing time for receipt of tenders.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields; through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established, on the basis of a  $\frac{1}{8}$  of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 98.250. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised on the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will be notified only if the tender is not accepted in full, or when the price is over par.

#### 4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or

reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

#### 5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in § 3.4., must be made or completed on or before Wednesday, January 4, 1984. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Friday, December 30, 1983. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered competed where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the

registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

#### 6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, and to receive payment for and make delivery of securities on full-paid allotments.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Carole J. Dineen,  
*Fiscal Assistant Secretary.*

[FR Doc. 83-34398 Filed 12-23-83; 10:02 am]

BILLING CODE 4810-40-M

#### Treasury Notes of December 31, 1987; Series L-1987

[Department Circular Public Debt Series—No. 38-83]

December 21, 1983.

#### 1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of Chapter 31 of Title 31, United States Code, invites tenders for approximately \$6,000,000,000 of United States securities, designated Treasury Notes of December 31, 1987, Series L-1987 (CUSIP No. 912827 QH 8). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each

accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

## 2. Description of Securities

2.1. The securities will be dated January 3, 1984, and will bear interest from that date, payable on a semiannual basis on June 30, 1984, and each subsequent 6 months on December 31 and June 30 until the principal becomes payable. They will mature December 31, 1987, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Securities registered as to principal and interest will be issued in denominations of \$1,000, \$5,000, \$10,000, \$100,000, and \$1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of registered and book-entry securities, and the transfer of registered securities will be permitted. Bearer securities will not be available, and the interchange of registered or book-entry securities for bearer securities will not be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

## 3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches

and at the Bureau of the Public Debt, Washington, D. C. 20226, prior to 1:30 p.m., Eastern Standard time, Tuesday, December 27, 1983. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Monday, December 26, 1983, and received no later than Tuesday, January 3, 1984.

3.2. The face amount of securities bid for must be stated on each tender. The minimum bid is \$1,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" of the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender, and the amount may not exceed \$1,000,000.

3.3. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are permitted to submit tenders only for their own account.

3.4. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.5. A noncompetitive bidder may not have entered into an agreement, or make an agreement with respect to the purchase or sale or other disposition of any noncompetitive awards of this issue in this auction prior to the designated closing time for receipt of tenders.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids.

Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established, on the basis of a  $\frac{1}{8}$  of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.250. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will be notified only if the tender is not accepted in full, or when the price is over par.

## 4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in § 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

## 5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in

§ 3.4, must be made or completed on or before Tuesday, January 3, 1984. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Thursday, December 29, 1983. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to

the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

## 6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, and to receive payment for and make delivery of securities on full-paid allotments.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Carole J. Dineen,

*Fiscal Assistant Secretary.*

[FR Doc. 83-34397 Filed 12-23-83; 10:02 am]

**BILLING CODE 4810-40-M**

## [Department Circular Public Debt Series—No. 40-83]

### 11 $\frac{7}{8}$ % Treasury Bonds of 2003

December 21, 1983.

#### 1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of Chapter 31 of Title 31, United States Code, invites tenders for approximately \$3,750,000,000 of United States securities, designated 11 $\frac{7}{8}$ % Treasury Bonds of 2003 (CUSIP No. 912810 DG 0). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

#### 2. Description of Securities

2.1. The securities will be issued January 4, 1984, and are offered as an additional amount of 11 $\frac{7}{8}$ % Treasury Bonds of 2003 (CUSIP No. 912810 DG 0) dated October 5, 1983. Payment for the securities will be based on the price equivalent to the bid yield determined in accordance with the circular, plus accrued interest from October 5, 1983, to

January 4, 1984. Interest on the securities offered as an additional issue is payable on a semiannual basis on May 15, 1984, and each subsequent 6 months on November 15 and May 15 until the principal becomes payable. They will mature November 15 and May 15 until the principal becomes payable. They will mature November 15, 2003, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Securities registered as to principal and interest will be issued in denominations of \$1,000, \$5,000, \$10,000, and \$1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of registered and book-entry securities, and the transfer of registered securities will be permitted. Bearer securities will not be available, and the interchange of registered or book-entry securities for bearer securities will not be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

#### 3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, prior to 1:30 p.m., Eastern Standard time, Thursday, December 29, 1983. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Wednesday, December 28, 1983, and received no later than Wednesday, January 4, 1984.

3.2. The face amount of securities bid for must be stated on each tender. The minimum bid is \$1,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the

yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender, and the amount may not exceed \$1,000,000.

3.3. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who may primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are permitted to submit tenders only for their own account.

3.4. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for plus accrued interest as specified in Section 5 (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.5. A noncompetitive bidder may not have entered into an agreement, or make an agreement with respect to the purchase or sale or other disposition of any noncompetitive awards of this issue in this auction prior to the designated closing time for receipt of tenders.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Competitive tenders at yields higher than 12.51% will not be accepted, because the equivalent prices would fall below the original issue discount limit of 95.250. Tenders at the highest accepted yield will be prorated if necessary. After

the determination is made as to which tenders are accepted, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will be notified only if the tender is not accepted in full, or when the price is over par.

#### 4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in § 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this section is final.

#### 5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted, and must include accrued interest from October 5, 1983, to January 4, 1984, in the amount of \$29.54211 per \$1,000 of securities allotted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in § 3.4., must be made or completed on or before Wednesday, January 4, 1984. Payment in full (including accrued interest) must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the

order of the institution to which the tender was submitted, which must be received from institutional investors no later than Friday, December 30, 1983. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

**6. General Provisions**

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, and to receive payment for and make delivery of securities or full-paid allotments.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

**Carole J. Dineen,**

*Fiscal Assistant Secretary.*

[FR Doc. 83-34399 Filed 12-23-83; 10:02 am]

**BILLING CODE 4810-40-M**



# Sunshine Act Meetings

Federal Register

Vol. 48, No. 249

Tuesday, December 27, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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### 1

#### FEDERAL DEPOSIT INSURANCE CORPORATION

##### Notice of Changes in Subject Matter of Agency Meeting.

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, December 19, 1983, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director C. T. Conover (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Application of Bank of Montgomery, Troy, North Carolina, an insured State nonmember bank, for consent to purchase certain assets of and assume the liability to pay certain assets of and assume the liability to pay certain deposits made in the Locust Branch of Piedmont Bank and Trust Company, Charlotte, North Carolina, and to establish that office as a branch of Bank of Montgomery.

Request of The Bank of Robstown, Robstown, Texas, for an exemption pursuant to section 348.4(b)(2) of the Corporation's rules and regulations.

Requests for relief from adjustment for violations of Regulation Z: Names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8) and (c)(9)(A)(ii)).

Recommendation regarding the Corporation's assistance agreement involving an insured bank pursuant to Section 13(c) of the Federal Deposit Insurance Act.

Recommendation regarding the liquidation of a bank's assets acquired by the

Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 45,836-L (2nd Amendment)—The First National Bank of Midland, Midland, Texas.

The Board further determined, by the same majority vote, that no earlier notice of these changes in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552 (c)(2), (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii)).

Dated: December 20, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

*Executive Secretary.*

[S-1790-83 Filed 12-22-83; 12:21 pm]

BILLING CODE 6714-01-M

### 2

#### FEDERAL DEPOSIT INSURANCE CORPORATION

##### Notice of Changes in Subject Matter of Agency Meeting.

Pursuant to the provision of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 2:00 p.m. on Monday, December 19, 1983, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director C. T. Conover (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Application of Resource Industrial Bank, Denver, Colorado, an operating noninsured industrial bank located at 101 Madison Street, Denver, Colorado, for Federal deposit insurance.

Application of Citizens Valley Bank, Albany, Oregon, an insured State nonmember bank, for consent to merge, under its charter and title, with Peoples Bank, Springfield, Oregon, and to establish the three offices of Peoples Bank as branches of the resultant bank.

Application of Commercial and Industrial Bank of Memphis, Memphis, Tennessee, an insured State nonmember bank, for consent

to merge, under its charter and title, with The First National Bank of Savannah, Savannah, Tennessee, and to establish the three offices of The First National Bank of Savannah as branches of the resultant bank.

Application of The Farmers Bank, Portland, Tennessee, an insured State nonmember bank for consent to merge, under its charter and title, with United Southern Bank of Robertson County, Springfield, Tennessee, and to establish the two offices of United Southern Bank of Robertson County as branches of the resultant bank.

Application of Dollar-Dry Savings Bank of New York, New York (Bronx), New York, an insured mutual savings bank, for consent to purchase certain assets of and assume the liability to pay deposits made in the 88th Street and Lexington Avenue Branch of American Savings Bank, FSB, New York (Manhattan), New York, an insured mutual savings bank.

Application of The Bank of Grays Harbor, Aberdeen, Washington, an insured State nonmember bank, for consent to purchase certain assets of and assume the liability to pay deposits made in the Ocean Shores Branch of Rainier National Bank, Seattle, Washington, and in the Pacific Beach Branch of First Interstate Bank of Washington, National Association, Seattle, Washington, and to establish those offices as branches of The Bank of Grays Harbor.

Application of Lafayette Bank and Trust Company, Bridgeport, Connecticut, an insured State nonmember bank, for consent to acquire certain assets of and assume the liability to pay deposits made in the Stratford Branch of County Federal Savings and Loan Association of Westport, Westport, Connecticut, a non-FDIC-insured institution, and to establish that office as a branch of Lafayette Bank and Trust Company.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 45,865-L—National Bank of Odessa, Odessa, Texas

Case No. 45,868-NR—Penn Square Bank, National Association, Oklahoma City, Oklahoma

Memorandum and Resolution re: The First National Bank of Midland, Midland, Texas

Memorandum re: Delegated Authority: First Pennsylvania Bank N.A., Bala-Cynwyd, Pennsylvania; First Pennsylvania Corporation, Philadelphia, Pennsylvania

By the same majority vote, the Board further determined that no earlier notice of these changes in the subject matter of the meeting was practicable.

The Board further determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Strague (Appointive), concurred in by Director C. T. Conover (Comptroller of the Currency), that Corporation business required the withdrawal from the agenda for consideration in open session and the addition to the agenda for consideration at the Board's closed meeting held at 2:30 p.m. the same day, of the following matter:

Application of First Savings Company of Hastings, Inc., Hastings, Nebraska, an operating noninsured bank located at 808 W. 2nd Street, Hastings, Nebraska, for Federal deposit insurance.

In voting to move this matter from open session to closed session, the Board further determined, by the same majority vote, that the public interest did not require consideration of the matter in a meeting open to public observation; that the matter could be considered in a closed meeting by authority of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552 (c)(6), (c)(8), and (c)(9)(A)(ii)); and that no earlier notice of this change in the subject matter of the meeting was practicable.

Dated: December 20, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1791-83 Filed 12-23-83; 12:21 pm]

BILLING CODE 6714-01-M

### 3

#### LEGAL SERVICES CORPORATION

Board of Directors Meeting

**TIME AND PLACE:** It will commence at 1:00 P.M. and continue until all official business is completed; Friday, January 6, 1984.

**PLACE:** General Services Administration, Central Office Auditorium, 18th and "F" Streets, NW., Washington, D.C.

**STATUS OF MEETING:** Open [Portion of Meeting is to be closed to discuss personnel, personal, litigation, and investigatory matters under 45 CFR 1622.5 (a) (e) (f) and (h)].

#### MATTERS TO BE CONSIDERED:

1. Approval of Agenda
2. Amendment of Approved Minutes of November 7, 1983, Board Meeting
3. Approval of Draft Minutes of December 5, 1983 Board Meeting
4. 1985 Budget Mark
5. Report from the Office of General Counsel Proposed Regulations to Implement Appropriations Legislation
6. Public Comment Period (Maximum of two hours)

#### CONTACT PERSON FOR MORE

**INFORMATION:** LeaAnne Bernstein, Office of the President, (202) 272-4040.

**DATE ISSUED:** December 22, 1983.

Donald P. Bogard,  
President.

[S-1794-83 Filed 12-22-83; 3:36 pm]

BILLING CODE 6820-35-M

### 4

#### NUCLEAR REGULATORY COMMISSION

**DATE:** Week of January 2, 1984.

**PLACE:** Commissioners' Conference Room, 1717 H Street, NW., Washington, D.C.

**STATUS:** Open and Closed.

#### MATTERS TO BE DISCUSSED:

Wednesday, January 4

10:00 a.m.

Briefing on Criminal vs. Civil Investigations (Public Meeting).

2:00

Discussion of NRC Enforcement Policy (Public Meeting).

Friday, January 6

10:00 a.m.

Discussion/Possible Vote on Equipment Qualification Policy Statement and Proposed Rule (Open/Closed—Ex. 10).

2:00 p.m.

Discussion of management-Organization and Internal Personnel Matters (Closed—Ex. 2 and 6).

**ADDITIONAL INFORMATION:** On December 21 the Commission voted 3-0 (Commissioners Asselstine and Bernthal not present) to hold "Briefing by Executive Branch," held that day.

#### TO VERIFY THE STATUS OF MEETINGS

**CALL:** (Recording)—(202) 634-1498.

#### CONTACT PERSON FOR MORE

**INFORMATION:** Walter Magee (202) 634-1410.

Walter Magee,  
Office of the Secretary.

[S-1793-83 Filed 12-22-83; 3:17 pm]

BILLING CODE 7590-01-M

### 5

#### PAROLE COMMISSION

National Commissioners (the Commissioners presently maintaining offices at Chevy Chase, Maryland Headquarters).

**TIME AND DATE:** 2:00 p.m., Thursday, January 5, 1984.

**PLACE:** Room 420-F, One North Park Building, 5550 Friendship Boulevard, Chevy Chase, Maryland 20815.

**STATUS:** Closed pursuant to a vote to be taken at the beginning of the meeting.

**MATTERS TO BE CONSIDERED:** Referrals from Regional Commissioners of

approximately 5 cases in which inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

#### CONTACT PERSON FOR MORE

**INFORMATION:** Linda Wines Marble, Chief Case Analyst, National Appeals Board, United States Parole Commission, (301) 492-5987.

Dated: December 22, 1983.

Joseph A. Barry,  
General Counsel, United States Parole Commission.

[S-1792-83 Filed 12-22-83; 1:43 pm]

BILLING CODE 4410-01-M

### 6

#### SYNTHETIC FUELS CORPORATION

**ACTION:** Notice of Meeting.

**SUMMARY:** Interested members of the public are invited to attend and observe a meeting of the Board of Directors of the United States Synthetic Fuels Corporation to be held at the time, date and place specified below. This public announcement is made pursuant to the open meeting requirements of Section 116(f)(1) of the Energy Security Act (9 Stat. 611, 637; 42 U.S.C. 8701, 8712(f)(1) and Section 4 of the Corporation's Statement of Policy on Public Access to Board meetings. During the meeting, the Board of Directors will consider a resolution to close a portion of the meeting pursuant to Article II, Section 4 of the Corporation's By-laws, Section 116(f) of the said Act and Sections 4 and 5 of the said policy.

#### MATTERS TO BE CONSIDERED:

##### Open Session

Chairman's Opening Remarks  
Approval of Minutes of November 30-December 1 Board Meeting  
Final Approval of Coal or Lignite Gasification Projects Solicitation  
Final Approval of Coal-Water Fuel Projects Solicitation  
Tentative Approval of Retrofit Solicitation  
Tentative Approval of Fourth General Solicitation  
Tentative Approval of Amendment to Competitive Solicitation for Bituminous Coal Gasification Projects  
Annual Report of the Inspector General

##### Closed Session

Consideration of Bituminous Coal Solicitation Qualification Proposals  
Consideration of Pending Projects

In addition, the Board of Directors will consider such other matters as may be properly brought before the meeting.

**TIME AND DATE:** 10:00 a.m., January 5, 1984.

**PLACE:** Room 503, 2121 K Street, NW., Washington, D.C.

**PERSON TO CONTACT FOR MORE**

**INFORMATION:** If you have any questions regarding this meeting, please contact Mr. Owen J. Malone, Assistant Secretary, at (202) 822-6336. United States Synthetic Fuels Corporation.

**Leonard C. Axelrod,**

*Acting Group Vice President-Corporate.*

December 22, 1983.

[S-1789-83 Filed 12-22-83; 10:23 am]

**BILLING CODE 0000-00-M**



**Final Report**

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**Tuesday  
December 27, 1983**

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**Part II**

**Department of the  
Interior**

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**Bureau of Land Management**

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**List of Wilderness Study Areas and  
Study Schedule**

**DEPARTMENT OF THE INTERIOR****Bureau of Land Management****List of Wilderness Study Areas and Study Schedule**

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** List of wilderness study areas and study schedule.

**SUMMARY:** This notice revises the July 8, 1982 *Federal Register* notice (47 FR 29788) containing the list and study schedule of wilderness study areas administered by the Bureau of Land Management in the ten contiguous Western States. This list and study schedule is revised annually to assist the public in tracking wilderness study areas. It reflects wilderness inventory amendments and changes in the study schedule since the previous annual list.

**EFFECTIVE DATE:** December 27, 1983.

**ADDRESS:** Questions about particular wilderness study areas should be directed to the appropriate State Directors, whose addresses appear at the end of this notice (Appendix A). Questions about the nationwide aspects of the program should be directed to the Director (342), Bureau of Land Management, 18th and C Streets, N.W., Washington, D.C. 20240.

**FOR FURTHER INFORMATION CONTACT:** Gary G. Marsh, Division of Recreation,

Cultural, and Wilderness Resources, Telephone (202) 343-6064.

**SUPPLEMENTARY INFORMATION:** The column headed "DEIS Completion" in Table II identifies the fiscal year in which the BLM State Director is scheduled to publish the draft environmental impact statement (DEIS) containing preliminary recommendations on wilderness suitability or nonsuitability. When the DEIS is published, a 90 day public comment period will be provided on the DEIS and preliminary wilderness recommendations. Public comments will be considered in developing recommendations to be transmitted for action by the Secretary of the Interior. Three States (New Mexico, Oregon and Utah) are conducting wilderness studies on a statewide basis. In these three States, the completion date for the DEIS is given at the top of the State listings.

Some inventory units and wilderness study areas (WSA) are under appeal to the Interior Board of Land Appeals (IBLA). In cases where appeals are pending a decision by the Board, WSA's are followed by the suffix (IBLA). Other units are undergoing reconsideration by the BLM because the IBLA remanded certain wilderness inventory decisions. In cases where the IBLA has remanded a unit but the status of the unit is not final, Table II identifies these WSA's (or proposed WSA's) with the suffix (INV) after each affected WSA. Table II does not include areas not recommended for

study by the State Director which have been appealed and are awaiting a decision by the IBLA. State Directors will announce their decisions concerning the remanded units in subsequent *Federal Register* notices, and these changes will be integrated at a later date into the annual list and schedule.

Table III contains the "Instant Study Areas", which are shown separately from Table II because of their special status and reporting schedule under the law. Table I is a total of the areas and acreage of Tables II and III.

For further information on the policy, criteria and guidelines for conducting wilderness studies on the public lands, refer to the BLM's Wilderness Study Policy published in the *Federal Register* on February 3, 1982 (47 FR 5098), or call James R. Edward at 202-343-6064.

The results of the inventory and their study status are presented in the three tables below:

Table I. Statistical Summary  
Table II. List of Wilderness Study Areas and Planning Schedule  
Table III. List of Instant Study Areas.

Dated: December 19, 1983.

**Robert F. Burford,**  
*Director.*

**BILLING CODE 4310-84-M**

TABLE I

## STATISTICAL SUMMARY

Bureau of Land Management Wilderness Study Area (WSA) Acreage Studied by State as of December 1, 1983

| Contiguous<br>Western<br>States | Wilderness Study Areas <sup>1/</sup> |            |            |         | Instant Study Areas <sup>2/</sup> |           | Total Number of WSA's |            |
|---------------------------------|--------------------------------------|------------|------------|---------|-----------------------------------|-----------|-----------------------|------------|
|                                 | 603 WSA's                            |            | 202 WSA's  |         | # of Areas                        | Acres     | # of Areas            | Acres      |
|                                 | # of Areas                           | Acres      | # of Areas | Acres   |                                   |           |                       |            |
| Arizona                         | 91                                   | 2,237,660  | 7          | 20,797  | 6                                 | 155,979   | 104                   | 2,414,436  |
| California                      | 178                                  | 6,698,516  | 4          | 14,873  | 6                                 | 29,717    | 188                   | 6,743,106  |
| Colorado                        | 40                                   | 705,157    | 15         | 44,114  | 5                                 | 52,134    | 60                    | 801,405    |
| Idaho                           | 58                                   | 1,534,116  | -          | - - -   | 3                                 | 382,723   | 61                    | 1,916,839  |
| Montana                         | 26                                   | 363,442    | 13         | 45,439  | 3                                 | 43,279    | 42                    | 452,160    |
| Nevada                          | 72                                   | 4,335,878  | -          | - - -   | 11                                | 48,415    | 83                    | 4,384,293  |
| New Mexico                      | 38                                   | 812,035    | 2          | 5,968   | 3                                 | 166,952   | 43                    | 984,955    |
| Oregon                          | 78                                   | 2,298,072  | 2          | 4,579   | 5                                 | 13,735    | 85                    | 2,316,386  |
| Utah                            | 67                                   | 2,915,010  | 4          | 6,677   | 10                                | 339,666   | 81                    | 3,261,353  |
| Wyoming                         | 34                                   | 538,044    | 1          | 4,002   | 1                                 | 7,636     | 36                    | 549,682    |
| Total                           | 682                                  | 22,437,930 | 48         | 146,449 | 53                                | 1,240,236 | 783                   | 23,824,615 |

<sup>1/</sup> Wilderness Study Areas being studied under Sections 202 and 603 of the Federal Land Policy and Management Act of 1976 (FLPMA). Certain inventory decisions have been appealed to the Interior Board of Land Appeals; there may be changes as a result of this Board's decisions.

<sup>2/</sup> Includes the status of 53 Instant Study Areas (ISA's) along with contiguous lands within each State. See Tables II (Section 202 and 603 of FLPMA WSA's) and III (ISA's) for a complete listing of each wilderness study area and their respective acreage and study schedule status.



TABLE II

WILDERNESS STUDY AREAS (WSA's) AND PLANNING SCHEDULE  
(Excludes Instant Study Areas)

## -ARIZONA-

## \*District Prefix Code

010-Arizona Strip; 020-Phoenix; 040-Safford; 050-Yuma;

1/ Crosses State political boundaries.

2/ Crosses BLM resource administrative boundaries.

3/ Contiguous wilderness area or study area on lands administered by federal agency other than BLM.

4/ Contiguous to an Instant Study Area; Listed separately from Table III so as not to double-count acreage.

5/ Contiguous to a California Desert Conservation Area WSA; Listed separately to more accurately portray State having the lead for the study effort.

\*\*MFP-Management Framework Plan, A-Amendment; T-Transition; RIP-Resource Management Plan

| WSA Name          | Number*                   | 603<br>Acreage | 202<br>Acreage | County                  | Resource<br>Area | Plan Name     | Plan**<br>Type | Plan<br>Start | DEIS<br>Completion |
|-------------------|---------------------------|----------------|----------------|-------------------------|------------------|---------------|----------------|---------------|--------------------|
| Starvation Point  | AZ-010-005/<br>UT-040-057 | 25,502         |                | Coconino/<br>Washington | Vermillion       | Arizona Strip | MFP-T          | 1982          | 1983               |
| Ferry Swale       | AZ-010-006A               | 10,170         |                | Coconino                |                  |               |                |               |                    |
| Judd Hollow       | AZ-010-006B 4/            | 1,866          |                | Coconino                |                  |               |                |               |                    |
| Paria Rim         | AZ-010-006C 4/            | 106            |                | Coconino                |                  |               |                |               |                    |
| Cedar Mountain    | AZ-010-006D 4/            | 12             |                | Coconino                |                  |               |                |               |                    |
| Paria Plateau     | AZ-010-008A/19            | 123,428        |                | Coconino                |                  |               |                |               |                    |
| Overlook          | AZ-010-008B               | 7,348          |                | Coconino                |                  |               |                |               |                    |
| Emmett Wash       | AZ-010-009                | 12,913         |                | Coconino                |                  |               |                |               |                    |
| Kanab Creek       | AZ-010-031 1/3/           | 38,762         |                | Coconino/<br>Mohave     |                  |               |                |               |                    |
| Hack Canyon       | AZ-010-033A               | 63,682         |                | Mohave                  |                  |               |                |               |                    |
| Robinson          | AZ-010-034                | 9,441          |                | Mohave                  |                  |               |                |               |                    |
| Toroweap          | AZ-010-050                | 5,312          |                | Mohave                  |                  |               |                |               |                    |
| Mount Logan       | AZ-010-051 2/             | 8,803          |                | Mohave                  |                  |               |                |               |                    |
| Mount Trumbull    | AZ-010-052                | 7,285          |                | Mohave                  |                  |               |                |               |                    |
| Poverty Mountain  | AZ-010-091                | 7,752          |                | Mohave                  | Shiwiits         |               |                |               |                    |
| Parashant         | AZ-010-093 3/             | 38,938         |                | Mohave                  |                  |               |                |               |                    |
| Grassy Mountain   | AZ-010-096C 3/            | 5,503          |                | Mohave                  |                  |               |                |               |                    |
| Andrus Canyon     | AZ-010-96D 3/             | 47,968         |                | Mohave                  |                  |               |                |               |                    |
| North Dellenbaugh | AZ-010-097                | 9,398          |                | Mohave                  |                  |               |                |               |                    |
| Mustang Point     | AZ-010-104B               | 12,930         |                | Mohave                  |                  |               |                |               |                    |
| Nevershine Mesa   | AZ-010-105A 3/            | 19,457         |                | Mohave                  |                  |               |                |               |                    |
| Snap Point        | AZ-010-105B 3/            | 9,380          |                | Mohave                  |                  |               |                |               |                    |
| Pigeon Canyon     | AZ-010-109 3/             | 33,348         |                | Mohave                  |                  |               |                |               |                    |
| Last Chance       | AZ-010-111                | 33,985         |                | Mohave                  |                  |               |                |               |                    |
| Grand Wash Cliffs | AZ-010-112                | 31,423         |                | Mohave                  |                  |               |                |               |                    |
| Pakoon Springs    | AZ-010-114 1/             | 24,832         |                | Mohave                  |                  |               |                |               |                    |
| Hidden Rim        | AZ-010-119                | 16,523         |                | Mohave                  |                  |               |                |               |                    |
| Hobbie Canyon     | AZ-010-124                | 11,825         |                | Mohave                  |                  |               |                |               |                    |
| Idle Valley       | AZ-010-127                | 7,970          |                | Mohave                  |                  |               |                |               |                    |
| Sand Cove         | AZ-010-128                | 39,061         |                | Mohave                  |                  |               |                |               |                    |
| Virgin Mountains  | AZ-010-129                | 37,281         |                | Mohave                  |                  |               |                |               |                    |
| Virgin River      | AZ-010-130 3/4/           | 1,440          |                | Mohave                  |                  |               |                |               |                    |
| Purgatory         | AZ-010-132                | 7,557          |                | Mohave                  |                  |               |                |               |                    |
| Lime Hills        | AZ-010-134 3/             | 11,850         |                | Mohave                  |                  |               |                |               |                    |
| Narrows           | AZ-010-135                | 7,725          |                | Mohave                  |                  |               |                |               |                    |
| Mount Emma        | AZ-010-136 3/             | 6,480          |                | Mohave                  | Vermillion       |               |                |               |                    |
| Subtotal (36)     |                           | 737,256        |                |                         |                  |               |                |               |                    |
| Mount Wilson      | AZ-020-001A 3/            | 24,821         |                | Mohave                  | Kingman          | Cerbat Black  | MFP-A          | 1983          | 1984               |
| Subtotal (1)      |                           | 24,821         |                |                         |                  |               |                |               |                    |

| <u>WSA Name</u>            | <u>Number*</u> | <u>603<br/>Acreage</u> | <u>202<br/>Acreage</u> | <u>County</u>        | <u>Resource<br/>Area</u> | <u>Plan Name</u> | <u>Plan**<br/>Type</u> | <u>Plan<br/>Start</u> | <u>DEIS<br/>Completion</u> |
|----------------------------|----------------|------------------------|------------------------|----------------------|--------------------------|------------------|------------------------|-----------------------|----------------------------|
| Rawhide Mountains          | AZ-020-058A 2/ | 55,320                 |                        | La Paz/<br>Mohave    | Kingman                  | Upper Sonoran    | MFP-T                  | 1982                  | 1982                       |
| Arrastra Mountain          | AZ-020-059 2/  | 92,700                 |                        | Mohave/<br>Yavapai   |                          |                  |                        |                       |                            |
| Lower Burro Creek          | AZ-020-060     | 21,660                 |                        | Mohave               |                          |                  |                        |                       |                            |
| Upper Burro Creek          | AZ-020-062     | 17,010                 |                        | Mohave/<br>Yavapai   |                          |                  |                        |                       |                            |
| Peoples Canyon             | AZ-020-068     |                        | 3,480                  | Yavapai              | Lower Gila               |                  |                        |                       |                            |
| Rickskin Mountains         | AZ-020-071 2/  | 47,582                 |                        | La Paz               |                          |                  |                        |                       |                            |
| Harcovar Mountains         | AZ-020-075     | 69,218                 |                        | La Paz/<br>Yavapai   |                          |                  |                        |                       |                            |
| Hassayampa River Canyon    | AZ-020-083 2/  | 21,900                 |                        | Yavapai              |                          |                  |                        |                       |                            |
| Harquahala Mountains       | AZ-020-095     | 72,675                 |                        | La Paz/<br>Maricopa  |                          |                  |                        |                       |                            |
| Big Horn Mountains         | AZ-020-099     | 21,237                 |                        | Maricopa             |                          |                  |                        |                       |                            |
| Hummingbird Springs        | AZ-020-100     | 66,680                 |                        | Maricopa             |                          |                  |                        |                       |                            |
| Saddle Mountain            | AZ-020-135     | 5,500                  |                        | Maricopa             |                          |                  |                        |                       |                            |
| Black Mountains/Ives Peak  | AZ-020-204     | 9,665                  |                        | Yavapai              |                          |                  |                        |                       |                            |
| Tres Alamos                | AZ-020-205     | 8,880                  |                        | Yavapai              |                          |                  |                        |                       |                            |
|                            | Subtotal (13)  | 510,027                | (1) 3,480              |                      |                          |                  |                        |                       |                            |
| Hells Canyon               | AZ-020-119     | 9,379                  |                        | Yavapai/<br>Maricopa | Phoenix                  | Phoenix          | MFP-A                  | 1983                  | 1984                       |
| White Canyon               | AZ-020-187     | 6,968                  |                        | Pinal                |                          |                  |                        |                       |                            |
| Picacho Mountains          | AZ-020-194     | 6,400                  |                        | Pinal                |                          |                  |                        |                       |                            |
| Coyote Mountains           | AZ-020-202     | 5,080                  |                        | Pima                 |                          |                  |                        |                       |                            |
| Baboquivari Peak           | AZ-020-203B    |                        | 2,065                  | Pima                 |                          |                  |                        |                       |                            |
|                            | Subtotal (4)   | 27,827                 | (1) 2,065              |                      |                          |                  |                        |                       |                            |
| New Water Mountains        | AZ-020-125 3/  | 40,375                 |                        | Yuma                 | Lower Gila               | Lower Gila South | RMP                    | 1982                  | 1984                       |
| Little Horn Mtns. West     | AZ-020-126A 3/ | 12,660                 |                        | Yuma                 |                          |                  |                        |                       |                            |
| Little Horn Mountains      | AZ-020-127     | 90,430                 |                        | Yuma                 |                          |                  |                        |                       |                            |
| Englefall Mountains        | AZ-020-128     | 118,265                |                        | Yuma/<br>Maricopa    |                          |                  |                        |                       |                            |
| East Clanton Hills         | AZ-020-129     | 36,560                 |                        | Yuma/<br>Maricopa    |                          |                  |                        |                       |                            |
| Face Mountain              | AZ-020-136     | 27,575                 |                        | Maricopa             |                          |                  |                        |                       |                            |
| Signal Mountain            | AZ-020-138     | 19,640                 |                        | Maricopa             |                          |                  |                        |                       |                            |
| Woolsey Peak               | AZ-020-142/144 | 73,930                 |                        | Maricopa             |                          |                  |                        |                       |                            |
| North Maricopa Mountains   | AZ-020-157     | 70,468                 |                        | Maricopa             |                          |                  |                        |                       |                            |
| South Maricopa Mountains   | AZ-020-163     | 71,320                 |                        | Maricopa             |                          |                  |                        |                       |                            |
| Butterfield Stage Memorial | AZ-020-164     | 9,566                  |                        | Maricopa             |                          |                  |                        |                       |                            |
| Table Top Mountain         | AZ-020-172     | 37,968                 |                        | Maricopa/<br>Pinal   |                          |                  |                        |                       |                            |
|                            | Subtotal (12)  | 608,757                |                        |                      |                          |                  |                        |                       |                            |

| WSA Name                   | Number*                           | 603<br>Acreage | 202<br>Acreage | County  | Resource<br>Area | Plan Name       | Plan**<br>Type | Plan<br>Start | DEIS<br>Completion |
|----------------------------|-----------------------------------|----------------|----------------|---|------------------|-----------------|----------------|---------------|--------------------|
| Needle's Eye               | AZ-040-001A                       | 9,485          |                | Gila  | Gila             | Safford         | MFP-A          | 1982          | 1983               |
| Black Rock                 | AZ-040-008 <u>3/</u>              | 7,947          |                | Graham  |                  |                 |                |               |                    |
| Fishhooks                  | AZ-040-014                        | 15,013         |                | Graham  |                  |                 |                |               |                    |
| Day Mine                   | AZ-040-016                        | 16,629         |                | Graham  |                  |                 |                |               |                    |
| Turtle Mountain            | AZ-040-022/023/<br>024B           | 17,422         |                | Greenlee/<br>Graham                             |                  |                 |                |               |                    |
| Gila Box                   | AZ-040-022/<br>023/024A <u>2/</u> | 17,831         |                | Graham/<br>Greenlee                             | Gila/San Simon   |                 |                |               |                    |
| Javelina Peak              | AZ-040-048                        | 16,060         |                | Graham  |                  |                 |                |               |                    |
| Peloncillo Mountains       | AZ-040-060 <u>1/</u>              | 11,299         |                | Cochise/<br>Graham/<br>Greenlee/<br>Hidalgo, NM |                  |                 |                |               |                    |
| Happy Camp Canyon          | AZ-040-065                        | 15,825         |                | Cochise   |                  |                 |                |               |                    |
|                            | Subtotal (9)                      | 127,511        |                |   |                  |                 |                |               |                    |
| Bowie Mountain             | AZ-040-066 <u>3/</u>              | 6,156          |                | Cochise   | San Simon        | Coronado (USFS) | Forest         | 1978          | 1984               |
| Baker Canyon               | AZ-040-070 <u>3/</u>              |                | 4,812          | Cochise   |                  |                 |                |               |                    |
| Galluro Addition #3        | AZ-040-081 <u>3/</u>              |                | 640            | Graham  | Gila             |                 |                |               |                    |
|                            | Subtotal (1)                      | 6,156          | (2) 5,452      |   |                  |                 |                |               |                    |
| Dead Mtn., North Addition  | AZ-050-001 <u>1/5/</u>            | 1,815          |                | San Bernardino                                  | Havasupai        | Yuma            | MFP-A          | 1983          | 1984               |
| Dead Mtn., South Addition  | AZ-050-002 <u>3/5/</u>            | 630            |                | San Bernardino                                  |                  |                 |                |               |                    |
| Chemehuevi Mountains       | AZ-050-003 <u>1/5/</u>            | 195            |                | San Bernardino                                  |                  |                 |                |               |                    |
| Chemehuevi/Needles         | AZ-050-004 <u>1/5/</u>            | 960            |                | San Bernardino                                  |                  |                 |                |               |                    |
| Whipple Mountain Addition  | AZ-050-010 <u>1/5/</u>            | 1,380          |                | San Bernardino                                  |                  |                 |                |               |                    |
| Crossman Peak              | AZ-050-007B                       | 22,915         |                | Mohave  |                  |                 |                |               |                    |
| Gibraltar Mountain         | AZ-050-012                        | 7,870          |                | Yuma  |                  |                 |                |               |                    |
| Cactus Plain               | AZ-050-014A/B <u>2/</u>           | 70,360         |                | Yuma  |                  |                 |                |               |                    |
| Swansea                    | AZ-050-015A                       | 19,370         |                | Yuma/Mohave                                     |                  |                 |                |               |                    |
| East Cactus Plain          | AZ-050-017                        | 13,735         |                | Yuma  |                  |                 |                |               |                    |
| Big Maria Mtns., North     | AZ-050-018 <u>1/5/</u>            | 415            |                | Riverside                                       | Yuma             |                 |                |               |                    |
| Big Maria Mtns., South     | AZ-050-019 <u>1/5/</u>            | 1,420          |                | Riverside                                       |                  |                 |                |               |                    |
| Little Picacho Peak, South | AZ-050-035 <u>1/5/</u>            | 2,915          |                | Imperial  |                  |                 |                |               |                    |
| Trigo Mountains            | AZ-050-023A <u>3/</u>             |                | 4,500          | La Paz  |                  |                 |                |               |                    |
| Trigo Mountains            | AZ-050-023B                       | 36,870         |                | Yuma  |                  |                 |                |               |                    |
| Kofa Unit 3 South          | AZ-050-031 <u>3/</u>              |                | 3,400          | La Paz  |                  |                 |                |               |                    |
| Kofa Unit 4 North          | AZ-050-033 <u>3/</u>              |                | 1,900          | La Paz  |                  |                 |                |               |                    |
| Muggins Mountain           | AZ-050-053A                       | 14,455         |                | Yuma  |                  |                 |                |               |                    |
|                            | Subtotal (15)                     | 195,305        | (3) 9,800      |   |                  |                 |                |               |                    |
| STATE Subtotal             | (91)                              | 2,237,660      | (7) 20,797     |   |                  |                 |                |               |                    |
| STATE TOTAL WSA's          | (98)                              | 2,258,457      |                |   |                  |                 |                |               |                    |

## -CALIFORNIA-

## \*District Prefix Code:

010, 040-Bakersfield; 020-Susamville; 030-Redding; 050-Utah; 060-Riverside; CDCA-California Desert Conservation Area

1/ Crosses State political boundaries.

2/ Crosses BLM resource administrative boundaries.

3/ Contiguous wilderness area or study area on lands administered by federal agency other than BLM.

\*\*MFP-Management Framework Plan, A-Amendment, T-Transition; RMP-Resource Management Plan

| WSA Name                   | Number*         | 603<br>Acreage | 202<br>Acreage | County                  | Resource<br>Area   | Plan Name            | Plan**<br>Type | Plan<br>Start | DEIS<br>Completion |
|----------------------------|-----------------|----------------|----------------|-------------------------|--------------------|----------------------|----------------|---------------|--------------------|
| Owens Peak                 | CA-010-026 2/   | 22,560         |                | Tulare/Kern             | Calliente          | Central California   | MFP-A          | 1981          | 1982               |
| Calliente Mountain         | CA-010-042      | 19,018         |                | San Luis<br>Obispo      | Calliente          |                      |                |               |                    |
| Panoche Hills North        | CA-040-301A     | 6,677          |                | Fresno                  | Hollister          |                      |                |               |                    |
| Panoche Hills South        | CA-040-301B     | 11,267         |                | Fresno                  | Hollister          |                      |                |               |                    |
| Pinnacles Wilderness       | CA-040-303      |                | 5,838          | Monterey/<br>San Benito | Hollister          |                      |                |               |                    |
| Contiguous<br>Merced River | CA-040-203      | 12,835         |                | Mariposa                | Folsom             |                      |                |               |                    |
| Subtotal (5)               |                 | 72,357         | (1) 5,838      |                         |                    |                      |                |               |                    |
| Rockhouse                  | CA-010-029 3/   | 36,097         |                | Tulare/Kern             | Calliente          | Sequoia (USFS)       | Forest         | 1981          | 1985               |
| Subtotal (1)               |                 | 36,097         |                |                         |                    |                      |                |               |                    |
| Benton Range               | CA-010-077 3/   |                | 4,052          | Mono                    | Bishop             | Inyo (USFS)          | Forest         | 1981          | 1985               |
| Subtotal                   |                 |                | (1) 4,052      |                         |                    |                      |                |               |                    |
| Sacatar Meadow South       | CA-010-027 2/3/ | 18,175         |                | Tulare/Inyo             | Calliente          | Benton-Owens Valley/ | MFP-A          | 1982          | 1983               |
| Cerro Gordo                | CA-010-055      | 16,102         |                | Inyo                    |                    | Bodie-Coleville      |                |               |                    |
| Southern Inyo              | CA-010-056 2/3/ | 36,600         |                | Inyo                    | Bishop             |                      |                |               |                    |
| Independence Creek         | CA-010-057 3/   | 6,250          |                | Inyo                    |                    |                      |                |               |                    |
| Crater Mountain            | CA-010-062 3/   | 6,760          |                | Inyo                    |                    |                      |                |               |                    |
| Symmes Creek               | CA-010-064 3/   | 7,700          |                | Inyo                    |                    |                      |                |               |                    |
| Chidago Canyon             | CA-010-079      | 20,246         |                | Mono                    |                    |                      |                |               |                    |
| Fish Slough                | CA-010-080      | 14,450         |                | Inyo/Mono               |                    |                      |                |               |                    |
| Volcanic Tableland         | CA-010-081      | 11,840         |                | Inyo/Mono               |                    |                      |                |               |                    |
| Casa Diablo                | CA-010-082 3/   | 5,547          |                | Mono                    |                    |                      |                |               |                    |
| Espelesior (North 1/2)     | CA-010-088 3/   | 9,100          |                | Mono                    |                    |                      |                |               |                    |
| Granite Mountains          | CA-010-090 3/   | 52,781         |                | Mono                    |                    |                      |                |               |                    |
| Walford Springs            | CA-010-092      | 13,200         |                | Mono                    |                    |                      |                |               |                    |
| Momon Meadow               | CA-010-094      | 7,280          |                | Mono                    |                    |                      |                |               |                    |
| Mount Biedeman South       | CA-010-095      | 12,420         |                | Mono                    |                    |                      |                |               |                    |
| Bodie Mountains            | CA-010-099      | 23,360         |                | Mono                    |                    |                      |                |               |                    |
| Bodie                      | CA-010-100      | 15,455         |                | Mono                    |                    |                      |                |               |                    |
| Masonic Mountains          | CA-010-102      | 6,600          |                | Mono                    |                    |                      |                |               |                    |
| Slinkard                   | CA-010-105/     | 6,350          |                | Mono/Alpine             | Bishop/Walker (NV) |                      |                |               |                    |
| NV-030-531 2/3/            |                 |                |                |                         |                    |                      |                |               |                    |
| Subtotal (19)              |                 | 290,216        |                |                         |                    |                      |                |               |                    |

| <u>WSA Name</u>                      | <u>Number*</u>                 | <u>603<br/>Acreage</u> | <u>202<br/>Acreage</u> | <u>County</u>         | <u>Resource<br/>Area</u> | <u>Plan Name</u>         | <u>Plan**<br/>Type</u> | <u>Plan<br/>Start</u> | <u>DEIS<br/>Completion</u> |
|--------------------------------------|--------------------------------|------------------------|------------------------|-----------------------|--------------------------|--------------------------|------------------------|-----------------------|----------------------------|
| Pit River Canyon                     | CA-020-103                     | 11,575                 |                        | Lassen                | Pit River                | Alturas                  | RFP                    | 1980                  | 1983                       |
| Toiy National Monument               | CA-020-211                     | 16,950                 |                        | Lassen/Mendocino      |                          |                          |                        |                       |                            |
|                                      | Subtotal (2)                   | 28,525                 |                        |                       |                          |                          |                        |                       |                            |
| Lava                                 | CA-030-203                     | 11,632                 |                        | Shasta                | Redding                  | North Central            | MFP-T                  | 1981                  | 1984                       |
|                                      | Subtotal (1)                   | 11,632                 |                        |                       |                          |                          |                        |                       |                            |
| Tunnison Mountain                    | CA-020-311                     | 20,650                 |                        | Lassen                | Eagle Lake               | Eagle Lake/Cedarville    | MFP-A                  | 1984                  | 1984                       |
| Five Springs                         | CA-020-609                     | <u>1/</u> 47,160       |                        | Lassen/<br>Washoe     | Eagle Lake               |                          |                        |                       |                            |
| Skedaddle                            | CA-020-612                     | <u>1/</u> 60,960       |                        | Lassen/<br>Washoe     | Eagle Lake               |                          |                        |                       |                            |
| Dry Valley Rim                       | CA-020-615                     | <u>1/</u> 93,205       |                        | Lassen/<br>Washoe     | Eagle Lake               |                          |                        |                       |                            |
| Buffalo Hills                        | CA-020-619                     | <u>1/</u> 47,315       |                        | Lassen/<br>Washoe     | Eagle Lake               |                          |                        |                       |                            |
| Twin Peaks                           | CA-020-619A                    | <u>1/</u> 90,345       |                        | Lassen/Washoe         | Eagle Lake               |                          |                        |                       |                            |
| Wall Canyon                          | CA-020-805                     | <u>1/</u> 45,790       |                        | Washoe                | Cedarville               |                          |                        |                       |                            |
| Little High Rock Canyon              | CA-020-913/ <u>1/2/</u> 52,143 |                        |                        | Washoe/<br>Humboldt   | Cedarville               |                          |                        |                       |                            |
| Yellow Rock Canyon                   | CA-020-913A                    | <u>1/</u> 13,050       |                        | Washoe                | Cedarville               |                          |                        |                       |                            |
| High Rock Canyon                     | CA-020-913B                    | <u>1/</u> 33,300       |                        | Washoe                | Cedarville               |                          |                        |                       |                            |
| East Fork High Rock Canyon           | CA-020-914/ <u>1/2/</u> 52,000 |                        |                        | Washoe/<br>Humboldt   | Cedarville               |                          |                        |                       |                            |
| Sheldon Contiguous                   | CA-020-1012                    | <u>1/3/</u> 24,130     |                        | Washoe                | Cedarville               |                          |                        |                       |                            |
| Massacre Rim                         | CA-020-1013                    | 110,000                |                        | Washoe                | Cedarville               |                          |                        |                       |                            |
|                                      | Subtotal (13)                  | 690,048                |                        |                       |                          |                          |                        |                       |                            |
| Tunnel Ridge                         | CA-030-402                     | <u>3/</u>              | 4,623                  | Trinity               | Redding                  | Shasta/Trinity<br>(USFS) | Forest                 | 1981                  | 1985                       |
|                                      | Subtotal                       |                        | (1) 4,623              |                       |                          |                          |                        |                       |                            |
| King Range                           | CA-050-112                     | 31,709                 |                        | Humboldt              | Arcada                   | King Range               | MFP-A                  | 1984                  | 1985                       |
|                                      | Subtotal (1)                   | 31,709                 |                        |                       |                          |                          |                        |                       |                            |
| Red Mountain                         | CA-050-132                     | 6,173                  |                        | Mendocino             | Arcada                   | Red Mountain             | MFP-A                  | 1983                  | 1985                       |
|                                      | Subtotal (1)                   | 6,173                  |                        |                       |                          |                          |                        |                       |                            |
| Big Butte                            | CA-050-211                     | <u>3/</u> 9,536        |                        | Trinity/<br>Mendocino | Arcada                   | Mendocino (USFS)         | Forest                 | 1982                  | 1985                       |
| Thatcher Ridge                       | CA-050-212                     | <u>3/</u> 17,187       |                        | Mendocino             | Arcada                   |                          |                        |                       |                            |
| Eden Valley/Middle Fork<br>Eel River | CA-050-214                     | <u>3/</u> 6,674        |                        | Mendocino             | Arcada                   |                          |                        |                       |                            |
|                                      | Subtotal (3)                   | 33,397                 |                        |                       |                          |                          |                        |                       |                            |

| WSA Name                               | Number*      | 603<br>Acreage | 202<br>Acreage | County                  | Resource<br>Area | Plan Name                | Plan**<br>Type | Plan<br>Start | DEIS<br>Completion |
|--|--------------|----------------|----------------|-------------------------|------------------|--------------------------|----------------|---------------|--------------------|
| Rocky Creek/Cache Creek                | CA-050-317   | 33,582         |                | Lake/Yolo               | Clear Lake       | Clear Lake               | MFP-T          | 1982          | 1983               |
| Cedar Roughs                           | CA-050-331   | 7,183          |                | Napa                    |                  |                          |                |               |                    |
|  | Subtotal (2) | 40,765         |                |                         |                  |                          |                |               |                    |
| Agua Tibla                             | CA-060-002   | 3/             | 360            | Riverside               | Escondido        | Western Counties         | MFP-A          | 1981          | 1982               |
| Beatty Mountain                        | CA-060-020G  | 11,342         |                | San Diego/<br>Riverside | Escondido        |                          |                |               |                    |
| Hanser Mountain                        | CA-060-027C  | 5,489          |                | San Diego               | Escondido        |                          |                |               |                    |
| Western Otay Mountain                  | CA-060-028   | 5,750          |                | San Diego               | Escondido        |                          |                |               |                    |
| Southern Otay Mountain                 | CA-060-029   | 7,940          |                | San Diego               | Escondido        |                          |                |               |                    |
|  | Subtotal (4) | 30,521         | (1) 360        |                         |                  |                          |                |               |                    |
| San Felipe Hills                       | CA-060-023   | 5,265          |                | San Diego               | El Centro        | East San Diego<br>County | MFP-T          | 1978          | 1981               |
| Sawtooth Mountains                     | CA-060-024B  | 3/ 24,696      |                |                         |                  |                          |                |               |                    |
| Garrizo Gorge/Eastern<br>McCain Valley | CA-060-025A  | 14,573         |                |                         |                  |                          |                |               |                    |
|  | Subtotal (3) | 44,534         |                |                         |                  |                          |                |               |                    |
| NON-CDCA Subtotal                      |              | (56) 1,315,974 | (4) 14,873     |                         |                  |                          |                |               |                    |
| NON-CDCA TOTAL WSA's                   |              | (60) 1,330,847 |                |                         |                  |                          |                |               |                    |

California Desert Conservation Area (CDCA) Special Plan -- 1976-1980 Tentative Recommendations Pending Administrative Review.

| WSA Name                   | Number*   | 603<br>Acreage | County    | Resource<br>Area |
|----------------------------|-----------|----------------|-----------|------------------|
| N.W. Fishlake Valley       | CDCA-102  | 2/3/ 12,585    | Mono      | Ridgecrest       |
| White Mountains            | CDCA-103  | 2/3/ 7,784     | Mono/Inyo | Ridgecrest       |
| Wyman Creek                | CDCA-105  | 2/3/ 5,729     | Inyo      | Ridgecrest       |
| Sylvan Mtns./Pigeon Spring | CDCA-111  | 14,983         | Inyo      | Ridgecrest       |
| Last Chance Mountain       | CDCA-112  | 36,287         | Inyo      | Ridgecrest       |
| Piper Mountain             | CDCA-115  | 69,282         | Inyo      | Ridgecrest       |
| Saline Valley              | CDCA-117  | 1/2/ 405,215   | Inyo      | Ridgecrest       |
| Lower Saline Valley        | CDCA-117A | 2/ 6,560       | Inyo      | Ridgecrest       |
| North Death Valley         | CDCA-118  | 7,951          | Inyo      | Ridgecrest       |
| Little Sand Spring         | CDCA-119  | 2/ 32,876      | Inyo      | Ridgecrest       |
| Waucoba Wash               | CDCA-120  | 2/3/ 11,465    | Inyo      | Ridgecrest       |
| Saline Dunes               | CDCA-121  | 5,760          | Inyo      | Ridgecrest       |
| Inyo Mountain              | CDCA-122  | 1/3/ 87,145    | Inyo      | Ridgecrest       |
| Hunter Mountain            | CDCA-123  | 2/ 23,604      | Inyo      | Ridgecrest       |
| Cerro Gordo Peak           | CDCA-124  | 1/ 56,690      | Inyo      | Ridgecrest       |
| Panamint Dunes             | CDCA-127  | 2/ 90,427      | Inyo      | Ridgecrest       |
| North Coso Range           | CDCA-130  | 8,102          | Inyo      | Ridgecrest       |
| Coso Range                 | CDCA-131  | 24,873         | Inyo      | Ridgecrest       |
| Great Falls Basin          | CDCA-132  | 5,972          | Inyo      | Ridgecrest       |
| Darwin Falls               | CDCA-132A | 8,319          | Inyo      | Ridgecrest       |
| North Argus Range          | CDCA-132B | 21,099         | Inyo      | Ridgecrest       |
| Wildrose Canyon            | CDCA-134  | 2/ 36,949      | Inyo      | Ridgecrest       |
| Surprise Canyon            | CDCA-136  | 2/ 52,696      | Inyo      | Ridgecrest       |
| Manly Peak                 | CDCA-137  | 33,390         | Inyo      | Ridgecrest       |

| WSA Name                 | Number*      | 603<br>Acreage | County                   | Resource<br>Area |
|--------------------------|--------------|----------------|--------------------------|------------------|
| Middle Park Canyon       | CDCA-137A 2/ | 8,532          | Inyo                     | Ridgecrest       |
| Slate Range              | CDCA-142 2/  | 89,528         | Inyo                     | Ridgecrest       |
| Funeral Mountains        | CDCA-143 2/  | 46,529         | Inyo                     | Barstow          |
| Resting Springs Range    | CDCA-145     | 89,772         | Inyo                     | Barstow          |
| Greenwater Range         | CDCA-147 2/  | 123,131        | Inyo                     | Barstow          |
| Greenwater Valley        | CDCA-148 2/  | 54,022         | Inyo                     | Barstow          |
| Ibex Hills               | CDCA-149 2/  | 33,929         | Inyo                     | Barstow          |
| Nopah Range              | CDCA-150     | 109,061        | Inyo                     | Barstow          |
| South Nopah Range        | CDCA-150A    | 13,779         | Inyo                     | Barstow          |
| Pahrump Valley           | CDCA-154     | 33,914         | Inyo                     | Barstow          |
| Owlhead Mountain         | CDCA-156 2/  | 113,901        | San Bernardino           | Barstow          |
| Little Lake Canyon       | CDCA-157 3/  | 25,207         | Inyo                     | Ridgecrest       |
| Owens Peak               | CDCA-158     | 36,023         | Inyo/Kern                | Ridgecrest       |
| Cow Heaven               | CDCA-159 3/  | 5,564          | Kern                     | Ridgecrest       |
| Kelso Peak               | CDCA-160B    | 6,826          | Kern                     | Ridgecrest       |
| Frog Creek               | CDCA-163     | 8,585          | Kern                     | Ridgecrest       |
| El Paso Mountain         | CDCA-164     | 17,064         | Kern                     | Ridgecrest       |
| Golden Valley            | CDCA-170     | 32,208         | San Bernardino           | Ridgecrest       |
| Red Mountain             | CDCA-172     | 7,040          | San Bernardino           | Ridgecrest       |
| Blackwater Well          | CDCA-173     | 7,260          | San Bernardino           | Ridgecrest       |
| Grass Valley             | CDCA-173A    | 13,875         | San Bernardino           | Ridgecrest       |
| Black Mountain           | CDCA-186C    | 7,602          | San Bernardino           | Barstow          |
| Newberry Mountains       | CDCA-206     | 21,968         | San Bernardino           | Barstow          |
| Rodman Mountains         | CDCA-207     | 25,037         | San Bernardino           | Barstow          |
| Bighorn Mountains        | CDCA-217 3/  | 53,219         | San Bernardino           | Barstow          |
| Morongo                  | CDCA-218     | 6,400          | San Bernardino           | Barstow          |
| Whitewater               | CDCA-218A    | 9,610          | Riverside/San Bernardino | Indio            |
| Saddle Peak Mountains    | CDCA-219     | 8,611          | San Bernardino           | Barstow          |
| South Saddle Peak Mtns.  | CDCA-220     | 5,320          | San Bernardino           | Barstow          |
| Avawatz                  | CDCA-221     | 87,831         | San Bernardino           | Barstow          |
| South Avawatz Mountains  | CDCA-221A    | 29,435         | San Bernardino           | Barstow          |
| Kingston Range           | CDCA-222     | 255,058        | Inyo/San Bernardino      | Barstow/Needles  |
| Silurian Valley          | CDCA-222A    | 17,064         | San Bernardino           | Barstow          |
| North Mesquite Mountains | CDCA-223     | 23,125         | San Bernardino           | Needles          |
| Mesquite Mountains       | CDCA-225     | 44,317         | San Bernardino           | Needles          |
| Stateline                | CDCA-225A    | 8,105          | San Bernardino           | Needles          |
| Clark Mountain           | CDCA-227     | 14,107         | San Bernardino           | Needles          |
| Hollow Hills             | CDCA-228     | 26,422         | San Bernardino           | Barstow          |



| <u>WSA Name</u>          | <u>Number*</u> | <u>603<br/>Acreage</u> | <u>County</u>  | <u>Resource<br/>Area</u> |
|--------------------------|----------------|------------------------|----------------|--------------------------|
| Shadow Valley            | CDCA-235A      | 10,452                 | San Bernardino | Needles                  |
| Magee/Adkins             | CDCA-237       | 11,092                 | San Bernardino | Needles                  |
| Cima Dome                | CDCA-238B      | 15,333                 | San Bernardino | Needles                  |
| Cinder Cones             | CDCA-239       | 44,992                 | San Bernardino | Needles                  |
| Soda Mountains           | CDCA-242       | 106,641                | San Bernardino | Barstow                  |
| Old Dad Mountains        | CDCA-243       | 49,301                 | San Bernardino | Needles                  |
| Rainbow Wells            | CDCA-244       | 16,019                 | San Bernardino | Needles                  |
| Eight-Mile Tank          | CDCA-245       | 18,714                 | San Bernardino | Needles                  |
| Kelso Mountains          | CDCA-249       | 64,271                 | San Bernardino | Needles                  |
| Kelso Dunes              | CDCA-250       | 124,518                | San Bernardino | Needles                  |
| Cady Mountains           | CDCA-251       | 65,177                 | San Bernardino | Barstow                  |
| Mesquite Spring          | CDCA-251A      | 14,447                 | San Bernardino | Barstow                  |
| Sleeping Beauty Mountain | CDCA-252       | 18,333                 | San Bernardino | Barstow                  |
| Bristol/Granite Mountain | CDCA-256       | 72,206                 | San Bernardino | Needles                  |
| Lava Hills               | CDCA-258       | 18,423                 | San Bernardino | Needles                  |
| South Bristol Mountains  | CDCA-258A      | 23,238                 | San Bernardino | Needles                  |
| Marble Mountains         | CDCA-259       | 29,178                 | San Bernardino | Needles                  |
| Clipper Mountains        | CDCA-260       | 37,787                 | San Bernardino | Needles                  |
| So. Providence Mountain  | CDCA-262       | 23,938                 | San Bernardino | Needles                  |
| Providence Mountains     | CDCA-263       | 54,343                 | San Bernardino | Needles                  |
| Mid Hills                | CDCA-264       | 13,300                 | San Bernardino | Needles                  |
| New York Mountains       | CDCA-265       | 35,583                 | San Bernardino | Needles                  |
| Castle Peaks             | CDCA-266       | 34,959                 | San Bernardino | Needles                  |
| Fort Plute               | CDCA-267       | 37,561                 | San Bernardino | Needles                  |
| Table Mountain           | CDCA-270       | 7,556                  | San Bernardino | Needles                  |
| Woods Mountain           | CDCA-271       | 37,758                 | San Bernardino | Needles                  |
| Signal Hill              | CDCA-272       | 32,477                 | San Bernardino | Needles                  |
| Dead Mountains           | CDCA-276       | 29,411                 | San Bernardino | Needles                  |
| Plute Mountains          | CDCA-288       | 17,063                 | San Bernardino | Needles                  |
| Essex                    | CDCA-288A      | 10,984                 | San Bernardino | Needles                  |
| Bigelow Cholla Garden    | CDCA-290       | 9,136                  | San Bernardino | Needles                  |
| Sacramento Mountains     | CDCA-292       | 36,450                 | San Bernardino | Needles                  |
| Stepladder Mountains     | CDCA-294       | 111,685                | San Bernardino | Needles                  |

| WSA Name                   | Number*                        | 603<br>Acreage     | County                       | Resource<br>Area |
|----------------------------|--------------------------------|--------------------|------------------------------|------------------|
| Pilot Peak                 | CDCA-295                       | 29,434             | San Bernardino               | Needles          |
| Old Woman Mountains        | CDCA-299                       | 100,826            | San Bernardino               | Needles          |
| Ship Mountains             | CDCA-300                       | 17,889             | San Bernardino               | Needles          |
| Cleghorn Lakes             | CDCA-304                       | 26,912             | San Bernardino               | Barstow          |
| Amboy Crater               | CDCA-304A                      | 13,414             | San Bernardino               | Needles          |
| Sheephole/Cadiz            | CDCA-305                       | 135,827            | San Bernardino               | Needles          |
| Turtle Mountains           | CDCA-307                       | 229,241            | San Bernardino               | Needles          |
| Chemehuevi Mountains       | CDCA-310                       | 57,229             | San Bernardino               | Needles          |
| Whipple Mountains          | CDCA-312                       | 81,548             | San Bernardino               | Needles          |
| Big Maria Mountain         | CDCA-321                       | 50,538             | Riverside                    | Indio            |
| Rice Valley                | CDCA-322                       | 48,845             | Riverside                    | Indio            |
| Palen/McCoy                | CDCA-325                       | 239,878            | Riverside                    | Indio            |
| Cowcomb Mountains          | CDCA-328 1/2/                  | 61,524             | Riverside/<br>San Bernardino | Indio            |
| Eagle Mountains            | CDCA-334 2/                    | 49,723             | Riverside                    | Indio            |
| Pinto Mountains            | CDCA-335 1/2/                  | 24,710             | San Bernardino/<br>Riverside | Barstow          |
| Mecca Hills                | CDCA-343                       | 10,385             | Riverside                    | Indio            |
| Chuckwalla Mountain        | CDCA-348 1/                    | 126,057            | Riverside/<br>Imperial       | Indio            |
| Little Chuckwalla Mountain | CDCA-350 1/                    | 44,422             | Riverside/<br>Imperial       | Indio/El Centro  |
| Palo Verde Mountains       | CDCA-352                       | 25,428             | Imperial                     | El Centro        |
| Indian Pass                | CDCA-355                       | 25,971             | Imperial                     | El Centro        |
| Picacho Peak               | CDCA-355A                      | 6,982              | Imperial                     | El Centro        |
| Little Picacho Peak        | CDCA-366                       | 37,196             | Imperial                     | El Centro        |
| North Algodones Dunes      | CDCA-360                       | 20,778             | Imperial                     | El Centro        |
| South Algodones Dunes      | CDCA-362                       | 54,141             | Imperial                     | El Centro        |
| Jacumba (In-Ko-Pah Mtns.)  | CDCA-368                       | 26,868             | Imperial                     | El Centro        |
| Fish Creek Mountains       | CDCA-372                       | 10,958             | Imperial                     | El Centro        |
| Coyote Mountains           | CDCA-373                       | 8,766              | Imperial                     | El Centro        |
| CDCA Subtotal              | 603 WSA's (122)                | 5,382,542          |                              |                  |
| Non-CDCA Subtotal          | 603 WSA's (56) ; 202 WSA's (4) | 1,315,974 ; 14,873 |                              |                  |
| STATE TOTAL WSA's          | (182)                          | 6,713,389          |                              |                  |

## -----COLORADO-----

## \*District Prefix Code:

010-Craig; 030-Montrose; 050-Canon City; 070-Grand Junction

1/ Crosses State political boundaries.

2/ Crosses BLM resource administrative boundaries.

3/ Contiguous wilderness area or study area on lands administered by federal agency other than BLM.

\*\*MFP-Management Framework Plan, A-Amendment, T-Transition; RMP-Resource Management Plan

| WSA Name                                  | Number*                        | 603<br>Acreage | 202<br>Acreage | County                          | Resource<br>Area                 | Plan Name      | Plan**<br>Type | Plan<br>Start | DEIS<br>Completion |
|---|--------------------------------|----------------|----------------|---------------------------------|----------------------------------|----------------|----------------|---------------|--------------------|
| Bill Canyon                               | CO-010-001/<br>UT-080-419 1/2/ | 12,297         |                | Moffat/<br>Utah, UT             | White River/<br>Book Cliffs      | White River    | MFP-A          | 1981          | 1982               |
| Willow Creek                              | CO-010-002                     | 13,274         |                | Moffat                          | White River                      |                |                |               |                    |
| Scul Creek                                | CO-010-003                     | 13,514         |                | Moffat                          | White River                      |                |                |               |                    |
| Black Mountain                            | CO-010-007A                    | 9,932          |                | Rio Blanco                      | White River                      |                |                |               |                    |
| Windy Gulch                               | CO-010-007C                    | 12,274         |                | Rio Blanco                      | White River                      |                |                |               |                    |
| Oil Spring Mountain                       | CO-010-046                     | 17,740         |                | Rio Blanco                      | White River                      |                |                |               |                    |
|   | Subtotal (6)                   | 79,031         |                |                                 |                                  |                |                |               |                    |
| Troublesome                               | CO-010-155                     | 8,250          |                | Grand                           | Kremmling                        | Kremmling      | RMP            | 1980          | 1983               |
|   | Subtotal (1)                   | 8,250          |                |                                 |                                  |                |                |               |                    |
| Gold Springs West                         | CO-010-208/<br>UT-080-103      | 1/2/ 14,587    |                | Moffat/<br>Daggett, UT          | Little Snake/<br>Diamond Mtn(UT) | Little Snake   | RMP            | 1983          | 1985               |
| Diamond Breaks                            | CO-010-214<br>UT-080-113       | 1/2/ 35,380    |                | Moffat/<br>Daggett, UT          | Little Snake/<br>Diamond Mtn(UT) |                |                |               |                    |
| Adjacent to Dinosaur<br>National Monument | CO-010-224                     | 3/             | 4,340          | Moffat                          | Little Snake                     |                |                |               |                    |
| Adjacent to Dinosaur<br>National Monument | CO-010-224A                    | 3/             | 1,320          | Moffat                          | Little Snake                     |                |                |               |                    |
| Adjacent to Dinosaur<br>National Monument | CO-010-226                     | 3/             | 4,880          | Moffat                          | Little Snake                     |                |                |               |                    |
| Adjacent to Dinosaur<br>National Monument | CO-010-228                     | 3/             | 5,200          | Moffat                          | Little Snake                     |                |                |               |                    |
| Adjacent to Dinosaur<br>National Monument | CO-010-229D                    | 3/             | 6,900          | Moffat                          | Little Snake                     |                |                |               |                    |
| Cross Mountain                            | CO-010-230                     | 14,081         |                | Moffat                          | Little Snake                     |                |                |               |                    |
|   | Subtotal (3)                   | 64,048 (5)     | 22,640         |                                 |                                  |                |                |               |                    |
| Rocky Loud Peak                           | CO-030-208                     | 38,400         |                | Hinsdale                        | Gunnison Basin                   | American Flats | MFP-A          | 1981          | 1982               |
| American Flats                            | CO-030-217                     | 3/             | 4,710          | Hinsdale/<br>San Juan/<br>Ouray | Gunnison Basin                   |                |                |               |                    |
| Needle Creek                              | CO-030-229B                    | 3/             | 4,540          | San Juan/<br>La Plata           | San Juan                         |                |                |               |                    |
| Whitehead Gulch                           | CO-030-230B                    | 3/             | 5,560          | San Juan                        | San Juan                         |                |                |               |                    |
| Weminuche Contiguous                      | CO-030-238B                    | 3/             | 1,980          | San Juan                        | San Juan                         |                |                |               |                    |
| Hindles Peak                              | CO-030-241                     | 18,260         |                | Hinsdale/<br>San Juan           | Gunnison Basin                   |                |                |               |                    |
|   | Subtotal (3)                   | 62,220 (3)     | 11,230         |                                 |                                  |                |                |               |                    |
| West Needles<br>Contiguous                | CO-030-229A                    | 3/             | 5,780          | San Juan                        | San Juan                         | West Needles   | Forest         | 1980          | 1982               |
|   | Subtotal (1)                   | 5,780          |                |                                 |                                  |                |                |               |                    |

| WSA Name                 | Number*                             | 603<br>Acreage | 202<br>Acreage | County                                 | Resource<br>Area                | Plan Name        | Plan**<br>Type | Plan<br>Start | DEIS<br>Completion |
|--------------------------|-------------------------------------|----------------|----------------|--|---------------------------------|------------------|----------------|---------------|--------------------|
| Menefee Mountain         | 00-030-251                          | 7,280          |                | Montezuma                              | San Juan                        | San Juan         | RMP            | 1981          | 1984               |
| Weber Mountain           | 00-030-251                          | 6,200          |                | Montezuma                              | San Juan                        |                  |                |               |                    |
| Cross Canyon             | 00-030-265/<br>UT-060-229 1/2/      | 9,440          |                | Montezuma/<br>Dolores/San<br>Juan (UT) | San Juan (01)/<br>San Juan (UT) |                  |                |               |                    |
| Squaw/Panosee Canyons    | 00-030-265A/<br>UT-060-227 1/2/     | 11,260         |                | Dolores/<br>San Juan, UT               |                                 |                  |                |               |                    |
| Cahone Canyon            | 00-030-265D                         | 8,385          |                | Dolores                                | San Juan                        |                  |                |               |                    |
| McKenna Peak             | 00-030-286                          | 21,900         |                | Montezuma/<br>Dolores                  | San Juan                        |                  |                |               |                    |
| Dolores River Canyon     | 00-030-290                          | 25,550         |                | Dolores/<br>San Miguel                 | San Juan                        |                  |                |               |                    |
|                          | Subtotal (7)                        | 90,015         |                |  |                                 |                  |                |               |                    |
| Tahquache Creek          | 00-030-300                          | 7,270          |                | Montrose                               | Uncompahgre                     | Uncompahgre      | RMP            | 1984          | 1986               |
| Camel Back               | 00-030-353                          | 10,900         |                | Montrose                               | Uncompahgre                     |                  |                |               |                    |
| Adobe Badlands           | 00-030-370B                         | 10,560         |                | Delta                                  | Uncompahgre                     |                  |                |               |                    |
| Gunnison Gorge           | 00-030-388 3/                       | 20,240         |                | Montrose/<br>Delta                     | Uncompahgre                     |                  |                |               |                    |
|                          | Subtotal (4)                        | 48,970         |                |  |                                 |                  |                |               |                    |
| Browns Canyon            | 00-050-002                          | 6,614          |                | Chaffee/<br>Fremont                    | Royal Gorge                     | Canon City       | MFP-A          | 1981          | 1982               |
| McIntyre Hills           | 00-050-013                          | 16,060         |                | Fremont                                | Royal Gorge                     |                  |                |               |                    |
| Lower Grape Creek        | 00-050-014                          | 10,630         |                | Fremont                                | Royal Gorge                     |                  |                |               |                    |
| Beaver Creek             | 00-050-016                          | 26,150         |                | Fremont/Teller/<br>El Paso             | Royal Gorge                     |                  |                |               |                    |
| Upper Grape Creek        | 00-050-017                          | 9,840          |                | Fremont/<br>Alamosa                    | Royal Gorge                     |                  |                |               |                    |
| Sand Castle              | 00-050-135 3/                       |                | 1,644          | Alamosa                                | San Luis                        |                  |                |               |                    |
| San Luis Hills           | 00-050-141                          | 10,240         |                | Oneida                                 | San Luis                        |                  |                |               |                    |
|                          | Subtotal (6)                        | 79,534         | (1) 1,644      |  |                                 |                  |                |               |                    |
| Black Canyon             | 00-050-131 3/                       |                | 2,300          | Saguache                               | San Luis                        | Sangre de Cristo | Forest         | 1981          | 1983               |
| South Piney Creek        | 00-050-132B 3/                      |                | 870            | Saguache                               | San Luis                        |                  |                |               |                    |
| Papo Keal                | 00-050-137 3/                       |                | 1,020          | Alamosa                                | San Luis                        |                  |                |               |                    |
| Zapata Creek             | 00-050-139B 3/                      |                | 720            | Alamosa                                | San Luis                        |                  |                |               |                    |
|                          | Subtotal                            |                | (4) 4,910      |  |                                 |                  |                |               |                    |
| Demaree Canyon           | 00-070-099                          | 21,050         |                | Garfield                               | Grand Junction                  | Grand Junction   | RMP            | 1984          | 1986               |
| Little Bookcliffs        | 00-070-066                          | 26,525         |                | Mesa                                   | Grand Junction                  |                  |                |               |                    |
| Wildhorse Area           |                                     |                |                |  |                                 |                  |                |               |                    |
| Black Ridge Canyons      | 00-070-113                          | 18,150         |                | Mesa                                   | Grand Junction                  |                  |                |               |                    |
| Black Ridge Canyons West | 00-070-113A/<br>UT-060-116/117 1/2/ | 54,290         |                | Mesa/<br>Grand, UT                     | Grand Junction/<br>Grand (UT)   |                  |                |               |                    |
| The Palisade             | 00-070-132                          | 26,050         |                | Mesa                                   | Grand Junction                  |                  |                |               |                    |
| Pomínguez Canyon         | 00-070-150 2/                       | 75,800         |                | Mesa/Delta                             | Uncompahgre                     |                  |                |               |                    |
| Sewamp Mesa              | 00-070-176 2/                       | 19,140         |                | Mesa/<br>Montrose                      | Grand Junction/<br>Uncompahgre  |                  |                |               |                    |
|                          | Subtotal (7)                        | 241,005        |                |  |                                 |                  |                |               |                    |
| Eagle Mountain           | 00-070-392 3/                       |                | 330            | Pitkin                                 | Glenwood Springs                | Glenwood Springs | RMP            | 1980          | 1983               |
| Hack Lake                | 00-070-425 3/                       |                | 3,360          | Garfield/<br>Eagle                     | Glenwood Springs                |                  |                |               |                    |
| Bull Gulch               | 00-070-430                          | 14,364         |                | Eagle                                  | Glenwood Springs                |                  |                |               |                    |
| Castle Peak              | 00-070-433                          | 11,940         |                | Eagle                                  | Glenwood Springs                |                  |                |               |                    |
|                          | Subtotal (2)                        | 26,304         | (2) 3,690      |  |                                 |                  |                |               |                    |
| STATE Subtotal           | (40)                                | 705,157        | (15) 44,114    |  |                                 |                  |                |               |                    |
| STATE TOTAL WSA's        | (55)                                | 749,271        |                |  |                                 |                  |                |               |                    |

BWD

## \*District Prefix Code:

16,17,19,111-Boise; 28,31,32-35,-Idaho Falls; 43,45,46-Salmon; 53,54,56,57,59-Shoshone; 61,62-Coeur d'Alene

1/ Crosses State political boundaries.

2/ Crosses BLM resource administrative boundaries.

3/ Contiguous wilderness area or study area on lands administered by federal agency other than BLM.

## \*\*MFP-Management Framework Plan, A-Amendment, T-Transition; RMP-Resource Management Plan

| WSA Name                  | Number*        | 603<br>Acreage | County                 | Resource<br>Area            | Plan Name           | Plan **<br>Type | Plan<br>Start | DEIS<br>Completion |
|---------------------------|----------------|----------------|------------------------|-----------------------------|---------------------|-----------------|---------------|--------------------|
| North Fork Owyhee River   | ID-16-40       | 49,470         | Owyhee                 | Owyhee                      | Owyhee              | MFP-A           | 1981          | 1982               |
| Big Willow Spring         | ID-16-41       | 6,210          | Owyhee                 |                             |                     |                 |               |                    |
| Squaw Creek Canyon        | ID-16-42       | 10,780         | Owyhee                 |                             |                     |                 |               |                    |
| Middle Fork Owyhee River  | ID-16-45       | 14,180         | Owyhee                 |                             |                     |                 |               |                    |
| West Fork Red Canyon      | ID-16-47       | 12,970         | Owyhee                 |                             |                     |                 |               |                    |
| Subtotal (5)              |                | 93,610         |                        |                             |                     |                 |               |                    |
| Owyhee River Canyon       | ID-16-48B 1/   | 33,700         | Owyhee                 | Owyhee                      | Owyhee Canyonlands  | MFP-T           | 1981          | 1984               |
| Little Owyhee River       | ID-16-48C      | 24,677         | Owyhee                 | Owyhee                      |                     |                 |               |                    |
| Deep Creek - Owyhee River | ID-16-49A 2/   | 72,083         | Owyhee                 | Owyhee/Bruneau              |                     |                 |               |                    |
| Yatahoney Creek           | ID-16-49D 2/   | 9,331          | Owyhee                 | Owyhee/Bruneau              |                     |                 |               |                    |
| Battle Creek              | ID-16-49E      | 31,540         | Bruneau                | Bruneau                     |                     |                 |               |                    |
| Amulper Creek             | ID-16-52 2/    | 12,682         | Owyhee                 | Owyhee/Bruneau              |                     |                 |               |                    |
| South Fork Owyhee River   | ID-16-53 1/    | 42,510         | Owyhee                 | Owyhee                      |                     |                 |               |                    |
| South Fork Owyhee River   | NV-010-103A 1/ | 7,842          | Elko, Nevada           | Elko, Nevada                |                     |                 |               |                    |
| Owyhee Canyon             | NV-010-106     | 21,875         | Elko, Nevada           | Elko, Nevada                |                     |                 |               |                    |
| Owyhee Canyon             | OR-3-195 1/    | 180,680        | Malheur, Oregon        | Southern Malheur(OR)        |                     |                 |               |                    |
| Subtotal (10)             |                | 436,920        |                        |                             |                     |                 |               |                    |
| Little Jacks Creek        | ID-111-6       | 58,040         | Owyhee                 | Bruneau                     | Jacks Creek         | MFP-T           | 1981          | 1984               |
| Duncan Creek              | ID-111-7B      | 10,005         | Owyhee                 | Bruneau                     |                     |                 |               |                    |
| Big Jacks Creek           | ID-111-7C      | 54,833         | Owyhee                 | Bruneau                     |                     |                 |               |                    |
| Pole Creek                | ID-111-18      | 24,509         | Owyhee                 | Bruneau                     |                     |                 |               |                    |
| Sheep Creek West          | ID-111-36A     | 11,680         | Owyhee                 | Bruneau                     |                     |                 |               |                    |
| Sheep Creek East          | ID-111-36B     | 5,060          | Owyhee                 | Bruneau                     |                     |                 |               |                    |
| Upper Deep Creek          | ID-111-44 2/   | 11,510         | Owyhee                 | Bruneau/Owyhee              |                     |                 |               |                    |
| Subtotal (7)              |                | 175,637        |                        |                             |                     |                 |               |                    |
| Jarbridge River           | ID-17-11 2/    | 75,340         | Owyhee                 | Jarbridge/Bruneau           | Jarbridge           | RMP             | 1982          | 1985               |
| King Hill Creek           | ID-19-2 2/     | 30,420         | Elmore                 | Jarbridge/<br>Bennett Hills |                     |                 |               |                    |
| Bruneau River             | ID-111-17 2/   | 107,020        | Owyhee                 | Bruneau/Jarbridge           |                     |                 |               |                    |
| Subtotal (3)              |                | 212,780        |                        |                             |                     |                 |               |                    |
| Appendicitis Hill         | ID-31-14       | 21,900         | Butte                  | Big Butte                   | Big Lost/Pahstmerai | MFP-T           | 1981          | 1983               |
| White Knob Mountains      | ID-31-17       | 9,950          | Custer                 | Big Butte                   |                     |                 |               |                    |
| Burnt Creek               | ID-45-12 2/3/  | 24,980         | Custer                 | Challis/Big<br>Butte        |                     |                 |               |                    |
| Subtotal (3)              |                | 56,830         |                        |                             |                     |                 |               |                    |
| Petticoat Peak            | ID-28-1        | 11,298         | Bannock/<br>Caribou    | Rocafello                   | Eastern Idaho       | MFP-A           | 1981          | 1983               |
| Hawley Mountain           | ID-32-3        | 15,510         | Butte                  | Big Butte                   |                     |                 |               |                    |
| Black Canyon              | ID-32-9        | 5,400          | Butte                  | Big Butte                   |                     |                 |               |                    |
| Cedar Butte               | ID-33-4        | 35,700         | Bingham                | Big Butte                   |                     |                 |               |                    |
| Hell's Half Acre          | ID-33-15       | 66,200         | Bonneville/<br>Bingham | Big Butte                   |                     |                 |               |                    |
| Subtotal (5)              |                | 134,108        |                        |                             |                     |                 |               |                    |
| Table Rock Islands        | ID-34-2        | 380            | Bonneville             | Medicine Lodge              | Medicine Lodge      | RMP             | 1982          | 1984               |
| Pine Creek Islands        | ID-34-3        | 155            | Bonneville             |                             |                     |                 |               |                    |
| Conant Valley Islands     | ID-34-4        | 235            | Bonneville             |                             |                     |                 |               |                    |
| Sand Mountain (IBLA)      | ID-35-3        | 21,100         | Fremont/<br>Jefferson  |                             |                     |                 |               |                    |
| Subtotal (4)              |                | 21,870         |                        |                             |                     |                 |               |                    |

| WSA Name              | Number*      | 603<br>Acreage | County                          | Resource<br>Area | Plan Name           | Plan**<br>Type | Plan<br>Start | DEIS<br>Completion |
|-----------------------|--------------|----------------|---------------------------------|------------------|---------------------|----------------|---------------|--------------------|
| Eighteen Mile         | ID-43-3 3/   | 24,922         | Lemhi                           | Lemhi            | Lemhi               | RIP            | 1982          | 1985               |
|                       | Subtotal (1) | 24,922         |                                 |                  |                     |                |               |                    |
| Corral-Horse Basin    | ID-46-11     | 48,500         | Custer                          | Challis          | Challis             | MFP-A          | 1981          | 1982               |
| Jerry Peak            | ID-46-14     | 46,150         | Custer                          | Challis          |                     |                |               |                    |
| Jerry Peak West       | ID-46-14A    | 13,530         | Custer                          | Challis          |                     |                |               |                    |
|                       | Subtotal (3) | 108,180        |                                 |                  |                     |                |               |                    |
| Friedman Creek        | ID-53-5      | 9,773          | Blaine/<br>Custer/<br>Butte     | Monument         | Shoshone/Sun Valley | MFP-A          | 1981          | 1983               |
| Little City of Rocks  | ID-54-5      | 5,875          | Gooding                         | Bennett Hills    |                     |                |               |                    |
| Black Canyon          | ID-54-6      | 10,371         | Gooding                         | Bennett Hills    |                     |                |               |                    |
| Gooding City of Rocks | ID-54-8A     | 14,743         | Gooding                         | Bennett Hills    |                     |                |               |                    |
| Gooding City of Rocks | ID-54-8B     | 6,287          | Gooding                         | Bennett Hills    |                     |                |               |                    |
| Deer Creek            | ID-54-10     | 7,487          | Camas/<br>Gooding               | Bennett Hills    |                     |                |               |                    |
| Lava                  | ID-56-2      | 23,690         | Lincoln                         | Monument         |                     |                |               |                    |
|                       | Subtotal (7) | 78,216         |                                 |                  |                     |                |               |                    |
| Shale Butte           | ID-57-2      | 15,968         | Lincoln                         | Monument         | Monument            | RIP            | 1982          | 1984               |
| Sand Butte            | ID-57-8      | 20,792         | Lincoln                         | Monument         |                     |                |               |                    |
| Raven's Eye           | ID-57-10     | 67,110         | Blaine/<br>Lincoln              | Monument         |                     |                |               |                    |
| Little Deer           | ID-57-11     | 33,531         | Blaine/<br>Lincoln/<br>Minidoka | Monument         |                     |                |               |                    |
| Bear Den Butte        | ID-57-14     | 9,700          | Blaine/<br>Minidoka             | Monument         |                     |                |               |                    |
| Shoshone              | ID-59-7      | 6,914          | Lincoln                         | Bennett Hills    |                     |                |               |                    |
|                       | Subtotal (6) | 154,015        |                                 |                  |                     |                |               |                    |
| Crystal Lake          | ID-61-10     | 9,027          | Kootenai/<br>Benewah            | Emerald Empire   | North Idaho         | MFP-A          | 1981          | 1982               |
| Grandmother Mountain  | ID-62-15A/B  | 17,129         | Shoshone                        | Emerald Empire   |                     |                |               |                    |
| Snowhole Rapids       | ID-62-1 3/   | 5,068          | Lewis/Idaho                     | Cottonwood       |                     |                |               |                    |
| Marshall Mountain     | ID-62-10     | 5,804          | Idaho                           | Cottonwood       |                     |                |               |                    |
|                       | Subtotal (4) | 37,028         |                                 |                  |                     |                |               |                    |
| STATE TOTAL WSA's     | (58)         | 1,534,116      |                                 |                  |                     |                |               |                    |

-----MONTANA-----

## \*District Prefix Code:

024-Miles City; 064-68-Lewistown; 074-Butte

1/ Crosses State political boundaries

2/ Crosses BLM resource administrative boundaries

3/ Contiguous wilderness area or study area on lands administered by federal agency other than BLM.

\*\*MFP-Management Framework Plan, A-Amendment, T-Transition; RMP-Resource Management Plan

| WSA Name            | Number*         | 603<br>Acreage | 202<br>Acreage | County                  | Resource<br>Area | Plan Name       | Plan**<br>Type | Plan<br>Start | DEIS<br>Completion |
|---------------------|-----------------|----------------|----------------|-------------------------|------------------|-----------------|----------------|---------------|--------------------|
| Bridge Coulee       | MT-024-675      | 5,900          |                | Garfield                | Big Dry          | Missouri Breaks | MFP-A          | 1981          | 1982               |
| Musselshell Breaks  | MT-024-677      | 8,600          |                | Garfield                | Big Dry          |                 |                |               |                    |
| Terry Badlands East | MT-024-684E     | 15,170         |                | Prairie                 | Big Dry          |                 |                |               |                    |
| Terry Badlands West | MT-024-684W     | 27,495         |                | Prairie/<br>Custer      | Big Dry          |                 |                |               |                    |
| Billy Creek         | MT-024-633 3/   |                | 3,450          | Garfield                | Big Dry          |                 |                |               |                    |
| Seven Blackfoot C   | MT-024-657C     | 11,450         |                | Garfield                | Big Dry          |                 |                |               |                    |
| Seven Blackfoot A   | MT-024-657A 3/  |                | 3,950          |                         |                  |                 |                |               |                    |
| Seven Blackfoot B   | MT-024-657B 3/  |                | 4,850          |                         |                  |                 |                |               |                    |
| Antelope Creek A    | MT-065-266A     | 9,600          |                | Phillips                | Phillips         |                 |                |               |                    |
| Antelope Creek B    | MT-065-266B 3/  |                | 2,750          | Phillips                | Phillips         |                 |                |               |                    |
| Burnt Lodge         | MT-065-278 3/   | 13,850         |                | Phillips/<br>Valley     | Phillips         |                 |                |               |                    |
| Cow Creek           | MT-066-256      | 34,050         |                | Blaine/<br>Phillips     | Havre/Phillips   |                 |                |               |                    |
| Woodhawk            | MT-068-246      | 8,100          |                | Fergus                  | Judith           |                 |                |               |                    |
| Stafford (IBLA)     | MT-068-250      |                | 4,800          | Blaine                  | Havre            |                 |                |               |                    |
| Ervin Ridge         | MT-068-253      | 10,200         |                | Blaine                  | Havre            |                 |                |               |                    |
| Subtotal (10)       |                 | 144,415        | (5) 19,800     |                         |                  |                 |                |               |                    |
| Zook Creek          | MT-027-701      | 8,440          |                | Rosebud                 | Powder River     | Powder River    | RMP            | 1981          | 1984               |
| Buffalo Creek       | MT-027-702      | 5,650          |                | Powder River            |                  |                 |                |               |                    |
| Subtotal (2)        |                 | 14,090         |                |                         |                  |                 |                |               |                    |
| Bitter Creek        | MT-064-356      | 59,112         |                | Valley                  | Valley           | Valley          | MFP-A          | 1983          | 1984               |
| Subtotal (1)        |                 | 59,112         |                |                         |                  |                 |                |               |                    |
| Burnt Timber Canyon | MT-067-205 3/   |                | 3,955          | Carbon                  | Billings         | Billings        | RMP            | 1981          | 1983               |
| Pryor Mountain      | MT-067-206 1/3/ | 16,927         |                | Carbon/<br>Big Horn, WY |                  |                 |                |               |                    |
| Big Horn Tackon     | MT-067-207 1/3/ |                | 4,550          | Carbon/<br>Big Horn, WY |                  |                 |                |               |                    |
| Twin Coulee         | MT-067-212 3/   | 6,870          |                | Golden Valley           |                  |                 |                |               |                    |
| Subtotal (2)        |                 | 23,797         | (2) 8,505      |                         |                  |                 |                |               |                    |
| Wales Creek         | MT-074-150      | 11,580         |                | Powell                  | Garnet           | Garnet          | RMP            | 1982          | 1985               |
| Hoodoo Mountain     | MT-074-151A     | 11,380         |                | Powell                  |                  |                 |                |               |                    |
| Gallagher Creek     | MT-074-151B     |                | 4,257          | Powell                  |                  |                 |                |               |                    |
| Quigg West          | MT-074-155 3/   |                | 520            | Granite                 |                  |                 |                |               |                    |
| Subtotal (2)        |                 | 22,960         | (2) 4,777      |                         |                  |                 |                |               |                    |



| WSA Name                 | Number*       | 603<br>Acreage | 202<br>Acreage | County      | Resource<br>Area | Plan Name  | Plan**<br>Type | Plan<br>Start | DEIS<br>Completion |
|--------------------------|---------------|----------------|----------------|-------------|------------------|------------|----------------|---------------|--------------------|
| Blind Horse Creek        | MT-075-102 3/ |                | 4,927          | Teton       | Great Falls      | Headwaters | RMP            | 1980          | 1983               |
| Chute Mountain           | MT-075-105 3/ |                | 3,205          | Teton       | Great Falls      |            |                |               |                    |
| Deep Creek/Battle Creek  | MT-075-106 3/ |                | 3,086          | Teton       | Great Falls      |            |                |               |                    |
| Black Sage               | MT-075-115 3/ | 5,926          |                | Jefferson   | Headwaters       |            |                |               |                    |
| Yellowstone River Island | MT-075-133    | 53             |                | Park        | Headwaters       |            |                |               |                    |
| Subtotal (2)             |               | 5,979          | (3) 11,218     |             |                  |            |                |               |                    |
| Ruby Mountains           | MT-076-001    | 26,611         |                | Madison     | Dillon           | Dillon     | MFP-A          | 1981          | 1982               |
| Blacktail Mountains      | MT-076-002    | 17,479         |                | Beaverhead  |                  |            |                |               |                    |
| East Fork Blacktail      | MT-076-007    | 6,230          |                | Beaverhead/ |                  |            |                |               |                    |
| Deer Creek               |               |                |                | Madison     |                  |            |                |               |                    |
| Hidden Pasture Creek     | MT-076-022 3/ | 15,509         |                | Beaverhead  |                  |            |                |               |                    |
| Bell/Limekiln Canyons    | MT-076-026 3/ | 9,650          |                | Beaverhead  |                  |            |                |               |                    |
| Henneberry Ridge         | MT-076-028    | 9,806          |                | Beaverhead  |                  |            |                |               |                    |
| Farlin Creek             | MT-076-034 3/ |                | 1,139          | Beaverhead  |                  |            |                |               |                    |
| Aswotl Lakes             | MT-076-069 3/ | 7,804          |                | Beaverhead  |                  |            |                |               |                    |
| Subtotal (7)             |               | 93,089         | (1) 1,139      |             |                  |            |                |               |                    |
| STATE Subtotal           | (26)          | 363,442        | (13) 45,439    |             |                  |            |                |               |                    |
| STATE TOTAL WSA's        | (39)          | 408,881        |                |             |                  |            |                |               |                    |

## ----- NEVADA -----

## \*District Prefix Code:

010-Elko; 020-Winnemucca; 030-Carson City; 040-Ely; 050-Las Vegas; 060-Battle Mountain

1/ Crosses State political boundaries.

2/ Crosses BLM resource administrative boundaries.

3/ Contiguous wilderness area or study area on lands administered by federal agency other than BLM.

4/ Contiguous to an Instant Study Area; Listed separately so as not to double-count acreage.

5/ Contiguous to a California Desert Conservation Area WSA; Listed in the State having the study lead so as not to double-count acreage.

\*\*MFP-Management Framework Plan, A-Amendment, T-Transition; RMP-Resource Management Plan

| WSA Name              | Number*    | 603<br>Acreage | County | Resource<br>Area | Plan Name | Plan**<br>Type | Plan<br>Start | DEIS<br>Completion |
|-----------------------|------------|----------------|--------|------------------|-----------|----------------|---------------|--------------------|
| Bluebell              | NV-010-27  | 55,665         | Elko   | Wells            | Wells     | RMP            | 1980          | 1983               |
| Coshute Peak          | NV-010-33  | 69,770         | Elko   | Wells            |           |                |               |                    |
| South Pequop          | NV-010-35  | 41,090         | Elko   | Wells            |           |                |               |                    |
| Bad Lands             | NV-010-184 | 9,426          | Elko   | Wells            |           |                |               |                    |
| Subtotal (4)          |            | 175,951        |        |                  |           |                |               |                    |
| Cedar Ridge           | NV-010-88  | 10,009         | Elko   | Elko             | Elko      | RMP            | 1983          | 1986               |
| Red Spring            | NV-010-91  | 7,847          | Elko   | Elko             |           |                |               |                    |
| Little Humboldt River | NV-010-132 | 42,213         | Elko   | Elko             |           |                |               |                    |
| Rough Hills           | NV-010-151 | 6,685          | Elko   | Elko             |           |                |               |                    |
| Subtotal (4)          |            | 66,754         |        |                  |           |                |               |                    |

| WSA Name                             | Number*                        | 603<br>Acreage | County                            | Resource<br>Area        | Plan Name  | Plan**<br>Type | Plan<br>Start | DEIS<br>Completion |
|--------------------------------------|--------------------------------|----------------|-----------------------------------|-------------------------|------------|----------------|---------------|--------------------|
| High Rock Lake                       | NV-020-7                       | 61,902         | Humboldt                          | Sonoma-Gerlach          | Winnemucca | MFP-T          | 1981          | 1983               |
| Poodle Mountain                      | NV-020-12/ 2/<br>CA-020-618    | 142,050        | Washoe                            | Sonoma-Gerlach          |            |                |               |                    |
| Pix Mountain Range                   | NV-020-14                      | 75,404         | Washoe                            | Sonoma-Gerlach          |            |                |               |                    |
| Pole Creek                           | NV-020-14A                     | 12,969         | Washoe                            | Sonoma-Gerlach          |            |                |               |                    |
| Calico Mountains                     | NV-020-19                      | 67,647         | Humboldt/<br>Pershing             | Sonoma-Gerlach          |            |                |               |                    |
| Selenite Mountains                   | NV-020-200                     | 32,041         | Pershing                          | Sonoma-Gerlach          |            |                |               |                    |
| Mount Limbo                          | NV-020-201                     | 23,702         | Pershing                          | Sonoma-Gerlach          |            |                |               |                    |
| China Mountain                       | NV-020-406P                    | 10,358         | Pershing                          | Sonoma-Gerlach          |            |                |               |                    |
| Tobin Range                          | NV-020-406Q                    | 13,107         | Pershing                          | Sonoma-Gerlach          |            |                |               |                    |
| North Black Rock Range               | NV-020-622 2/5/                | 30,129         | Humboldt                          | Sonoma-Gerlach          |            |                |               |                    |
| Augusta Mountain                     | NV-030-108 2/                  | 89,372         | Churchill/<br>Pershing/<br>Lander | Sonoma-Gerlach          |            |                |               |                    |
| Blue Lakes                           | NV-020-600                     | 20,508         | Humboldt                          | Paradise-Denio          |            |                |               |                    |
| Alder Creek                          | NV-020-600D                    | 5,142          | Humboldt                          | Paradise-Denio          |            |                |               |                    |
| South Jackson Mountains              | NV-020-603                     | 60,211         | Humboldt                          | Paradise-Denio          |            |                |               |                    |
| North Jackson Mountains              | NV-020-606                     | 26,457         | Humboldt                          | Paradise-Denio          |            |                |               |                    |
| Black Rock Desert                    | NV-020-620                     | 319,594        | Humboldt/<br>Pershing             | Paradise-Denio          |            |                |               |                    |
| Pahute Peak                          | NV-020-621 2/                  | 57,529         | Humboldt                          | Paradise-Denio          |            |                |               |                    |
| North Fork of the Little<br>Humboldt | NV-020-827                     | 69,683         | Humboldt                          | Paradise-Denio          |            |                |               |                    |
|                                      | Subtotal (18)                  | 1,117,805      |                                   |                         |            |                |               |                    |
| Clan Alpine Mountains                | NV-030-102                     | 196,128        | Churchill                         | Lahontan                | Lahontan   | RMP            | 1981          | 1983               |
| Stillwater Range                     | NV-030-104                     | 94,607         | Churchill                         | Lahontan                |            |                |               |                    |
| Desatoya Mountains                   | NV-030-110 2/                  | 51,262         | Churchill                         | Lahontan                |            |                |               |                    |
| Job Peak                             | NV-030-127                     | 90,209         | Churchill                         | Lahontan                |            |                |               |                    |
|                                      | Subtotal (4)                   | 432,206        |                                   |                         |            |                |               |                    |
| Gahbs Valley Range                   | NV-030-407                     | 75,440         | Mineral                           | Walker                  | Walker     | RMP            | 1983          | 1985               |
| Burbank Canyons                      | NV-030-525A                    | 13,395         | Douglas                           | Walker                  |            |                |               |                    |
|                                      | Subtotal (2)                   | 88,835         |                                   |                         |            |                |               |                    |
| Goshute Canyon                       | NV-040-015 4/                  | 30,585         | White Pine                        | Egan                    | Egan       | RMP            | 1981          | 1983               |
| Park Range                           | NV-040-154 2/                  | 47,268         | Nye                               | Egan                    |            |                |               |                    |
| Riordan's Well                       | NV-040-166 2/3/                | 57,002         | Nye                               | Egan                    |            |                |               |                    |
| South Egan Range                     | NV-040-168 2/                  | 96,916         | White Pine/<br>Lincoln/<br>Nye    | Egan                    |            |                |               |                    |
|                                      | Subtotal (4)                   | 231,771        |                                   |                         |            |                |               |                    |
| Mount Grafton                        | NV-040-169 2/                  | 73,216         | White Pine/<br>Lincoln            | Schell                  | Schell     | MFP-T          | 1981          | 1983               |
| Far South Egan                       | NV-040-172 2/                  | 53,224         | Nye/Lincoln                       | Schell                  |            |                |               |                    |
| Fortification Range                  | NV-040-177                     | 41,615         | Lincoln                           | Schell                  |            |                |               |                    |
| Table Mountain                       | NV-040-197                     | 35,958         | Lincoln                           | Schell                  |            |                |               |                    |
| White Rock Range                     | NV-040-202/ 1/2/<br>UT-040-216 | 23,625         | Lincoln/<br>Beaver, UT            | Schell/<br>Beaver River |            |                |               |                    |
| Parsnip Peak                         | NV-040-206 2/                  | 88,175         | Lincoln                           | Schell                  |            |                |               |                    |
| Worthington Mountains                | NV-040-242 2/                  | 47,633         | Lincoln                           | Schell                  |            |                |               |                    |
| Weepah Springs                       | NV-040-246                     | 61,137         | Lincoln/Nye                       | Schell                  |            |                |               |                    |
|                                      | Subtotal (8)                   | 424,583        |                                   |                         |            |                |               |                    |
| South Pahroc Range                   | NV-050-132                     | 28,600         | Lincoln                           | Caliente                | Caliente   | MFP-A          | 1983          | 1984               |
| Clover Mountains                     | NV-050-139 5/                  | 84,935         | Lincoln                           | Caliente                |            |                |               |                    |
| Meadow Valley Range                  | NV-050-156                     | 185,744        | Lincoln/<br>Clark                 | Caliente                |            |                |               |                    |
| Mormon Mountains                     | NV-050-161                     | 162,887        | Lincoln/<br>Clark                 | Caliente                |            |                |               |                    |
| Delmar Mountains                     | NV-050-177                     | 126,257        | Lincoln                           | Caliente                |            |                |               |                    |
|                                      | Subtotal (5)                   | 588,423        |                                   |                         |            |                |               |                    |

| <u>WSA Name</u>              | <u>Number*</u>                        | <u>603<br/>Acreage</u> | <u>County</u>     | <u>Resource<br/>Area</u> | <u>Plan Name</u> | <u>Plan**<br/>Type</u> | <u>Plan<br/>Start</u> | <u>DEIS<br/>Completion</u> |
|------------------------------|---------------------------------------|------------------------|-------------------|--------------------------|------------------|------------------------|-----------------------|----------------------------|
| Arrow Canyon Range           | NV-050-215                            | 32,853                 | Clark             | Stateline/<br>Esmeralda  | Clark            | MFP-T                  | 1981                  | 1983                       |
| Muddy Mountains              | NV-050-229                            | 96,170                 | Clark             | Stateline/<br>Esmeralda  |                  |                        |                       |                            |
| Mount Stirling               | NV-050-401                            | 69,650                 | Nye/Clark         | Stateline/<br>Esmeralda  |                  |                        |                       |                            |
| LaMadre Mountains            | NV-050-412                            | 56,243                 | Clark             | Stateline/<br>Esmeralda  |                  |                        |                       |                            |
| Pine Creek                   | NV-050-414 <u>4/</u>                  | 23,760                 | Clark             | Stateline/<br>Esmeralda  |                  |                        |                       |                            |
| North McCullough Mountains   | NV-050-425                            | 47,166                 | Clark             | Stateline/<br>Esmeralda  |                  |                        |                       |                            |
| South McCullough Mountains   | NV-050-435                            | 56,623                 | Clark             | Stateline/<br>Esmeralda  |                  |                        |                       |                            |
|                              | Subtotal (7)                          | 382,465                |                   |                          |                  |                        |                       |                            |
| Silver Peak Range North      | NV-050-338                            | 33,900                 | Esmeralda         | Stateline/<br>Esmeralda  | Esmeralda        | RIP                    | 1984                  | 1985                       |
| Pigeon Spring/Sylvania Mtns. | NV-050-350/<br>CICA-111 <u>1/2/5/</u> | 3,575                  | Esmeralda         | Stateline/<br>Esmeralda  |                  |                        |                       |                            |
| Queer Mountain               | NV-050-354 <u>1/2/3/5/</u>            | 81,550                 | Esmeralda         | Stateline/<br>Esmeralda  |                  |                        |                       |                            |
| Bonnie Claire Flat           | NV-050-355 <u>1/3/</u>                | 69,000                 | Esmeralda/<br>Nye | Stateline/<br>Esmeralda  |                  |                        |                       |                            |
| Resting Springs Range        | NV-050-460/<br>CICA-145 <u>1/2/5/</u> | 3,850                  | Nye               | Stateline/<br>Esmeralda  |                  |                        |                       |                            |
|                              | Subtotal (5)                          | 191,875                |                   |                          |                  |                        |                       |                            |
| Kawich                       | NV-060-019                            | 54,320                 | Nye               | Tonopah                  | Tonopah          | MFP-A                  | 1981                  | 1982                       |
| Rawhide Mountain             | NV-060-059                            | 64,360                 | Nye               | Tonopah                  |                  |                        |                       |                            |
| South Reveille               | NV-060-112                            | 106,200                | Nye               | Tonopah                  |                  |                        |                       |                            |
| Palisade Mesa                | NV-060-142/162                        | 99,550                 | Nye               | Tonopah                  |                  |                        |                       |                            |
| Blue Eagle                   | NV-060-158/199 <u>2/</u>              | 59,560                 | Nye               | Tonopah                  |                  |                        |                       |                            |
| The Wall                     | NV-060-163                            | 38,000                 | Nye               | Tonopah                  |                  |                        |                       |                            |
| Fandango                     | NV-060-190                            | 40,940                 | Nye               | Tonopah                  |                  |                        |                       |                            |
| Morey                        | NV-060-191                            | 20,120                 | Nye               | Tonopah                  |                  |                        |                       |                            |
|                              | Subtotal (8)                          | 483,050                |                   |                          |                  |                        |                       |                            |
| Antelope                     | NV-060-231/241 <u>2/</u>              | 87,400                 | Nye               | Shoshone/Eureka          | Shoshone/Eureka  | RIP                    | 1981                  | 1983                       |
| Simpson Park                 | NV-060-428                            | 49,670                 | Lander            | Shoshone/Eureka          |                  |                        |                       |                            |
| Roberts                      | NV-060-541                            | 15,090                 | Eureka            | Shoshone/Eureka          |                  |                        |                       |                            |
|                              | Subtotal (3)                          | 152,160                |                   |                          |                  |                        |                       |                            |
| STATE TOTAL WSA's            | (72)                                  | 4,335,878              |                   |                          |                  |                        |                       |                            |

-NEW MEXICO-

## \*District Prefix Code:

010-Albuquerque; 020 and 030-Las Cruces; 060-Roswell

1/ Crosses State political boundaries.

2/ Crosses BLM resource administrative boundaries.

3/ Contiguous wilderness area or study area on lands administered by federal agency other than BLM.

## Statewide Consolidated Wilderness Study and EIS; Draft EIS (1984)

| WSA Name                | Number*       | 603<br>Acreage | 202<br>Acreage | County                | Resource<br>Area     |
|-------------------------|---------------|----------------|----------------|-----------------------|----------------------|
| De-na-zin               | NM-010-004    | 18,554         |                | San Juan              | Farmington           |
| Ah-she-she-pah          | NM-010-009    | 6,563          |                | San Juan              | Farmington           |
| Bisti                   | NM-010-057    |                | 3,968          | San Juan              | Farmington           |
| Ignacio Chavez          | NM-010-020 2/ | 9,961          |                | McKinley/<br>Sandoval | Rio Puerco           |
| Cabezon                 | NM-010-022    | 8,038          |                | Sandoval              | Rio Puerco           |
| Ojito                   | NM-010-024    | 11,919         |                | Sandoval              | Rio Puerco           |
| Empedrado               | NM-010-063    | 9,410          |                | Sandoval              | Rio Puerco           |
| La Lena                 | NM-010-063A   | 10,310         |                | Sandoval              | Rio Puerco           |
| San Antonio             | NM-010-035    | 7,050          |                | Rio Arriba            | Taos                 |
| Sabinosa                | NM-010-055    | 15,760         |                | San Miguel            | Taos                 |
| Navajo Peak             | NM-010-059    | 11,985         |                | Rio Arriba            | Taos                 |
| Subtotal (10)           |               | 109,550 (1)    | 3,968          |                       |                      |
| Sierra Ladrones         | NM-020-016    | 45,308         |                | Socorro               | Socorro              |
| Mesita Blanca           | NM-020-018    | 16,429         |                | Catron                | Socorro              |
| Eagle Peak              | NM-020-019    | 32,748         |                | Catron                | Socorro              |
| Veranito                | NM-020-035    | 7,206          |                | Socorro               | Socorro              |
| Presilla                | NM-020-037    | 9,600          |                | Socorro               | Socorro              |
| Sierra de las Canas     | NM-020-038    | 12,838         |                | Socorro               | Socorro              |
| Stallion                | NM-020-040    | 24,238         |                | Socorro               | Socorro              |
| Horse Mountain          | NM-020-043    | 5,032          |                | Catron                | Socorro              |
| Continental Divide      | NM-020-044 3/ | 68,761         |                | Catron                | Socorro              |
| Devil's Backbone        | NM-020-047 3/ | 8,904          |                | Socorro               | Socorro              |
| Jornada del Muerto      | NM-020-055 2/ | 31,147         |                | Socorro/              | Socorro/White        |
| Cowboy Spring           | NM-030-007    | 6,699          |                | Hidalgo               | Las Cruces/Lordsburg |
| Gila Box                | NM-030-023    | 8,555          |                | Grant                 | Las Cruces/Lordsburg |
| Blue Creek              | NM-030-026    | 14,096         |                | Grant/                | Las Cruces/Lordsburg |
| Cooke Range             | NM-030-031    | 19,608         |                | Luna                  | Las Cruces/Lordsburg |
| Florida Mountains (INV) | NM-030-034A   | 18,904         |                | Luna                  | Las Cruces/Lordsburg |
| Big Hatchet Mountains   | NM-030-035A&B | 53,870         |                | Hidalgo               | Las Cruces/Lordsburg |
| Big Hatchet Mountains   | NM-030-035C   |                | 2,000          | Hidalgo               | Las Cruces/Lordsburg |
| Alamo Hueco Mountains   | NM-030-038    | 10,746         |                | Hidalgo               | Las Cruces/Lordsburg |
| Cedar Mountains (INV)   | NM-030-042    | 31,460         |                | Luna                  | Las Cruces/Lordsburg |
| West Potrillo Mountains | NM-030-052    | 155,105        |                | Luna/Dona Ana         | Las Cruces/Lordsburg |
| Aden Lava Flow          | NM-030-053    | 23,857         |                | Dona Ana              | Las Cruces/Lordsburg |
| Robledo Mountains       | NM-030-063    | 12,811         |                | Dona Ana              | Las Cruces/Lordsburg |
| Las Uvas Mountains      | NM-030-065    | 11,067         |                | Dona Ana              | Las Cruces/Lordsburg |
| Organ Mountains         | NM-030-074    | 7,144          |                | Dona Ana              | Las Cruces/Lordsburg |
| Brokeoff Mountains      | NM-030-113 3/ | 30,103         |                | Otero                 | White Sands/Jornada  |
| Culp Canyon             | NM-030-152    | 10,937         |                | Otero                 | White Sands/Jornada  |
| Subtotal (26)           |               | 677,173 (1)    | 2,000          |                       |                      |
| Little Black Peak       | NM-060-109    | 15,072         |                | Lincoln               | Roswell              |
| Carrizozo Lava Flow     | NM-060-110    | 10,240         |                | Lincoln               | Roswell              |
| Subtotal (2)            |               | 25,312         |                |                       |                      |
| STATE Subtotal          |               | (38)           | 812,035 (2)    | 5,968                 |                      |
| STATE TOTAL WSA's       |               | (40)           | 818,003        |                       |                      |

ORFON

## \*District Prefix Code:

1-Lakeview; 2-Burns; 3 and 6-Vale; 5-Prineville; 11-Madford; 12-Coos Bay; 13-Spokane

1/ Crosses State political boundaries.

2/ Crosses BLM resource administrative boundaries.

3/ Contiguous wilderness area or study area on lands administered by federal agency other than BLM.

4/ Contiguous to an Instant Study Area; Listed separately so as not to double-count acreage.

## Statewide Consolidated Wilderness Study and EIS; Draft EIS (1984).

| WSA Name                                      | Number*        | 603<br>Acreage | 202<br>Acreage | County              | Resource<br>Area                      |
|---|----------------|----------------|----------------|---------------------|---------------------------------------|
| Devil's Garden Lava Bed                       | OR-1-2         | 28,720         |                | Lake                | High Desert                           |
| Squaw Ridge Lava Bed                          | OR-1-3         | 27,700         |                | Lake                | High Desert                           |
| Four Craters Lava Bed                         | OR-1-22        | 11,960         |                | Lake                | High Desert                           |
| Sand Dunes                                    | OR-1-24 4/     | 13,200         |                | Lake                | High Desert                           |
| Diablo Mountain                               | OR-1-58        | 107,920        |                | Lake                | High Desert                           |
| Orejana Canyon                                | OR-1-78        | 24,600         |                | Harney              | Warner Lakes                          |
| Abert Rim                                     | OR-1-101       | 23,280         |                | Lake                | Warner Lakes                          |
| Fish Creek Rim                                | OR-1-117       | 16,070         |                | Lake                | Warner Lakes                          |
| Guanco Creek                                  | OR-1-132       | 10,350         |                | Lake                | Warner Lakes                          |
| Spaulding Reservoir                           | OR-1-139       | 69,530         |                | Lake/Harney         | Warner Lakes                          |
| Hack Mountain                                 | OR-1-146A 2/3/ | 68,360         |                | Harney              | Warner Lakes/Andrews                  |
| Subtotal (11)                                 |                | 401,690        |                |                     |                                       |
| Malheur River-Bluebucket<br>Creek             | OR-2-14        | 5,560          |                | Harney              | Three Rivers                          |
| Stonehouse                                    | OR-2-23L 2/    | 21,000         |                | Harney              | Three Rivers/Andrews                  |
| Lower Stonehouse                              | OR-2-23M       | 8,090          |                | Harney              | Andrews                               |
| Sheephead Mountains                           | OR-2-72C 2/    | 51,120         |                | Harney/<br>Malheur  | Andrews/Southern<br>Malheur           |
| Wildcat Canyon                                | OR-2-72D 2/    | 32,720         |                | Malheur             | Andrews/Southern Malheur              |
| Heath Lake                                    | OR-2-72F       | 20,100         |                | Harney              | Andrews                               |
| Table Mountain                                | OR-2-72I       | 38,600         |                | Harney/<br>Malheur  | Andrews                               |
| West Peak                                     | OR-2-72J       | 7,900          |                | Harney              | Andrews                               |
| East Alvord                                   | OR-2-73A       | 21,600         |                | Harney              | Andrews                               |
| Winter Range                                  | OR-2-73H       | 14,800         |                | Harney/<br>Malheur  | Andrews                               |
| Alvord Desert                                 | OR-2-74        | 111,690        |                | Harney/<br>Malheur  | Andrews/Southern<br>Malheur           |
| Mahogany Ridge                                | OR-2-77        | 27,210         |                | Harney              | Andrews                               |
| Red Mountain                                  | OR-2-78        | 14,730         |                | Harney              | Andrews                               |
| Pueblo Mountains                              | OR-2-81 1/     | 68,030         |                | Harney/<br>Humboldt | Andrews/<br>Paradise-Danilo (NV)      |
| Rincon  | OR-2-82 2/     | 97,545         |                | Harney              | Andrews/Warner Lakes                  |
| Alvord Peak                                   | OR-2-83        | 14,655         |                | Harney              | Andrews                               |
| Basque Hills                                  | OR-2-84 2/     | 137,220        |                | Harney              | Andrews/Warner Lakes                  |
| High Steers                                   | OR-2-85E       | 64,140         |                | Harney              | Andrews                               |
| South Fork of the Donner<br>and Blitzen River | OR-2-85C       | 35,850         |                | Harney              | Andrews                               |
| Home Creek                                    | OR-2-85H       | 25,120         |                | Harney              | Andrews                               |
| Blitzen River                                 | OR-2-86E       | 51,890         |                | Harney              | Andrews                               |
| Little Blitzen Gorge                          | OR-2-86F       | 9,240          |                | Harney              | Andrews                               |
| Bridge Creek                                  | OR-2-87        | 14,060         |                | Harney              | Andrews                               |
| Aldrich Mountain                              | OR-2-103       | 9,395          |                | Grant               | Three Rivers                          |
| Subtotal (24)                                 |                | 902,265        |                |                     |                                       |
| Castle Rock                                   | OR-3-18        | 5,560          |                | Harney/<br>Malheur  | Northern Malheur                      |
| Beaver Dam Creek                              | OR-3-27        | 19,140         |                | Malheur             | Northern Malheur                      |
| Camp Creek                                    | OR-3-31        | 18,360         |                | Malheur             | Northern Malheur                      |
| Cottonwood Creek                              | OR-3-32        | 8,500          |                | Malheur             | Northern Malheur                      |
| Cold Creek                                    | OR-3-33        | 12,920         |                | Malheur             | Northern Malheur                      |
| Sperry Creek                                  | OR-3-35        | 5,360          |                | Malheur             | Northern Malheur                      |
| Cedar Mountain                                | OR-3-47        | 31,440         |                | Malheur             | Northern Malheur                      |
| Dry Creek                                     | OR-3-53        | 22,540         |                | Malheur             | Northern Malheur                      |
| Dry Creek Buttes                              | OR-3-56        | 49,880         |                | Malheur             | Northern Malheur                      |
| Owyhee Breaks                                 | OR-3-59 2/     | 13,100         |                | Malheur             | Northern Malheur/<br>Southern Malheur |
| Blue Canyon                                   | OR-3-73        | 12,700         |                | Malheur             | Northern Malheur                      |
| Slocum Creek                                  | OR-3-75        | 7,600          |                | Malheur             | Northern Malheur                      |
| Honeycombs                                    | OR-3-77A       | 39,000         |                | Malheur             | Northern Malheur                      |
| Wild Horse Basin                              | OR-3-77B       | 12,100         |                | Malheur             | Northern Malheur/<br>Southern Malheur |

| WSA Name                    | Number*                               | 603<br>Acreage | 202<br>Acreage | County                          | Resource<br>Area                                 |
|-----------------------------|---------------------------------------|----------------|----------------|---------------------------------|--|
| Lower Owyhee Canyon         | OR-3-110                              | 71,940         |                | Malheur                         | Northern Malheur/<br>Southern Malheur            |
| Saddle Butte                | OR-3-111                              | 81,300         |                | Malheur                         | Southern Malheur                                 |
| Palomino Hills              | OR-3-114                              | 50,560         |                | Malheur                         | Southern Malheur                                 |
| Bowden Hills                | OR-3-118                              | 56,140         |                | Malheur                         | Southern Malheur                                 |
| Clarks Butte                | OR-3-120                              | 31,450         |                | Malheur                         | Southern Malheur                                 |
| Jordan Craters              | OR-3-128                              | 27,560         |                | Malheur                         | Southern Malheur                                 |
| Willow Creek                | OR-3-152 2/                           | 28,810         |                | Harney/<br>Malheur              | Southern Malheur/<br>Andrews                     |
| Disaster Peak               | OR-3-153/NV-020-859/<br>OR-2-78D 1/2/ | 30,490         |                | Harney/<br>Malheur/<br>Humboldt | Southern Malheur/<br>Andrews/Paradise-Denio (NV) |
| Fifteen Mile Creek          | OR-3-156                              | 49,100         |                | Malheur                         | Southern Malheur                                 |
| Oregon Canyon               | OR-3-157                              | 40,400         |                | Malheur                         | Southern Malheur                                 |
| Twelve Mile Canyon          | OR-3-162                              | 26,960         |                | Malheur                         | Southern Malheur                                 |
| Upper West Little Owyhee    | OR-3-173                              | 58,420         |                | Malheur                         | Southern Malheur                                 |
| McGraw Creek                | OR-6-1 3/                             |                | 1,465          | Wallowa                         | Baker  |
| Homestead                   | OR-6-2 3/                             | 7,515          |                | Baker                           | Baker  |
| Sheep Mountain              | OR-6-3                                | 7,040          |                | Baker                           | Baker  |
|                             | Subtotal (28)                         | 825,885        | (1) 1,465      |                                 |  |
| Thirtymile                  | OR-5-1                                | 7,538          |                | Sherman/<br>Gilliam             | Central Oregon                                   |
| Lower John Day              | OR-5-6                                | 19,352         |                | Sherman/<br>Gilliam             | Central Oregon                                   |
| North Pole Ridge            | OR-5-8                                | 6,249          |                | Sherman/<br>Gilliam             | Central Oregon                                   |
| Spring Basin                | OR-5-9                                | 5,982          |                | Wheeler                         | Central Oregon                                   |
| Steelhead Falls             | OR-5-14 3/                            |                | 3,114          | Deschutes/<br>Jefferson         | Deschutes/Ochoco<br>National Forest              |
| Badlands                    | OR-5-21                               | 32,053         |                | Deschutes/<br>Crook             | Deschutes  |
| North Fork                  | OR-5-31                               | 10,745         |                | Crook                           | Central Oregon                                   |
| South Fork                  | OR-5-33                               | 19,391         |                | Crook                           | Central Oregon                                   |
| Sand Hollow                 | OR-5-34                               | 8,091          |                | Crook                           | Central Oregon                                   |
| Gerry Mountain              | OR-5-35                               | 19,980         |                | Crook                           | Central Oregon                                   |
| Hampton Butte               | OR-5-42                               | 10,600         |                | Crook/<br>Deschutes             | Central Oregon                                   |
| Cougar Well                 | OR-5-43                               | 17,315         |                | Crook/<br>Deschutes             | Central Oregon                                   |
|                             | Subtotal (11)                         | 157,296        | (1) 3,114      |                                 |  |
| Soda Mountain               | OR-11-17                              | 5,410          |                | Jackson                         | Klamath  |
|                             | Subtotal (1)                          | 5,410          |                |                                 |  |
| North Sisters Rock          | OR-12-8                               | 3              |                | Curry                           | Myrtlewood                                       |
| Zagg Island                 | OR-12-14                              | 5              |                | Curry                           | Myrtlewood                                       |
|                             | Subtotal (2)                          | 8              |                |                                 |  |
| Chopaka Mountain (WA State) | OR-13-2                               | 5,518          |                | Okanogan, WA                    | Border DEA (12/24/82), Public Comments-2/28/83   |
|                             | Subtotal (1)                          | 5,518          |                |                                 |  |
| STATE Subtotal              | (78)                                  | 2,298,072      | (2) 4,579      |                                 |  |
| STATE TOTAL, WSA's          | (80)                                  | 2,302,651      |                |                                 |  |

-UTAH-

## \*District Prefix Code:

020-Salt Lake; 040-Cedar City; 050-Richfield; 060-Moab; 080-Vernal

1/ Crosses State political boundaries.

2/ Crosses BLM resource administrative boundaries.

3/ Contiguous wilderness area or study area on lands administered by federal agency other than BLM.

4/ Contiguous to an Instant Study Area; Listed separately so as not to double-count acreage.

Statewide Consolidated Wilderness Study and EIS; Draft EIS (1984); Proposed decisions on remanded units to be published separately by State Director.

| WSA Name                                | Number*                          | 603<br>Acreage | 202<br>Acreage | County                     | Resource<br>Area              |
|---|----------------------------------|----------------|----------------|----------------------------|-------------------------------|
| Deep Creek Mountains                    | UT-020-060/ 2/<br>050-020        | 68,910         |                | Tooele/Juab                | Pony Express/<br>House Range  |
| North Stansbury Mountains               | UT-020-089 2/                    | 10,480         |                | Tooele                     | Pony Express                  |
| Cedar Mountains                         | UT-020-094                       | 50,500         |                | Tooele                     | Pony Express                  |
| Subtotal (3)                            |                                  | 129,890        |                |                            |                               |
| Cottonwood Canyon                       | UT-040-046                       | 11,330         |                | Washington                 | Dixie                         |
| Steep Creek                             | UT-040-061 3/                    | 21,896         |                | Garfield                   | Escalante                     |
| Carcass Canyon (IBLA)                   | UT-040-076                       | 46,711         |                | Kane/Garfield              | Escalante                     |
| Mud Spring Canyon (IBLA)                | UT-040-077 2/                    | 38,075         |                | Kane/Garfield              | Escalante/Kanab               |
| Death Ridge                             | UT-040-078                       | 62,870         |                | Kane/Garfield              | Escalante                     |
| Burning Hills                           | UT-040-079                       | 61,550         |                | Kane/Garfield              | Escalante                     |
| Fifty Mile Mountain                     | UT-040-080 2/3/                  | 146,143        |                | Kane/Garfield              | Kanab/Escalante               |
| Scorpion                                | UT-040-082 3/                    | 35,884         |                | Kane/Garfield              | Escalante                     |
| Cruger Canyon/<br>Tunnel Spring         | UT-040-123/ 1/<br>NV-050-166     | 15,968         |                | Washington/<br>Lincoln     | Dixie/Caliente (NV)           |
| Red Mountain                            | UT-040-132                       | 18,250         |                | Washington                 | Dixie                         |
| Canaan Mountain                         | UT-040-143/ 1/2/3/<br>AZ-001-041 | 53,619         |                | Washington/<br>Kane/Mohave | Dixie/Vermillion/Kanab        |
| Orderville Canyon                       | UT-040-145 3/                    |                | 1,750          | Kane                       | Kanab                         |
| Deep Creek                              | UT-040-146 3/                    |                | 3,320          | Washington                 | Dixie                         |
| LaVerkin Creek Canyon                   | UT-040-153 3/                    |                | 567            | Washington                 | Dixie                         |
| North Fork Virgin River                 | UT-040-150 3/                    |                | 1,040          | Kane                       | Kanab                         |
| Moguth Mountain                         | UT-040-217                       | 14,830         |                | Kane                       | Kanab                         |
| Parunuweap Canyon                       | UT-040-230 3/                    | 30,800         |                | Kane                       | Kanab                         |
| Paria-Hackberry                         | UT-040-247                       | 135,822        |                | Kane                       | Kanab                         |
| Wahweap                                 | UT-040-248                       | 134,400        |                | Kane                       | Kanab                         |
| The Blues                               | UT-040-268                       | 19,030         |                | Garfield                   | Kanab                         |
| The Cockscomb                           | UT-040-275                       | 10,080         |                | Beaver                     | Beaver River                  |
| Subtotal (17)                           |                                  | 857,258        | (4) 6,677      |                            |                               |
| Conger Mountains                        | UT-050-035                       | 20,400         |                | Millard                    | Warm Springs                  |
| Swasey Mountain                         | UT-050-061                       | 49,500         |                | Millard/Juab               | House Range                   |
| King Top                                | UT-050-070                       | 84,770         |                | Millard                    | Warm Springs                  |
| Wah Wah Mountains                       | UT-050-073/ 2/<br>040-205        | 42,140         |                | Millard/<br>Beaver         | Warm Springs/<br>Beaver River |
| Howell Peak                             | UT-050-077                       | 24,800         |                | Millard                    | Warm Springs                  |
| Notch Peak                              | UT-050-078                       | 51,130         |                | Millard                    | Warm Springs                  |
| Fish Springs Range                      | UT-050-127                       | 52,500         |                | Juab                       | House Range                   |
| Rockwell                                | UT-050-186                       | 9,150          |                | Juab                       | House Range                   |
| Dirty Devil                             | UT-050-236A 3/                   | 61,000         |                | Wayne/Garfield             | Henry Mountains               |
| French Spring/Happy Canyon              | UT-050-236B                      | 25,000         |                | Wayne                      | Henry Mountains               |
| Horseshoe Canyon                        | UT-050-237 3/                    | 38,800         |                | Wayne                      | Henry Mountains               |
| Blue Hills/<br>Mount Ellen (IBLA) (INV) | UT-050-238                       | 58,480         |                | Wayne/Garfield             | Henry Mountains               |
| Fiddler Butte (IBLA) (INV)              | UT-050-241 3/                    | 62,800         |                | Garfield                   | Henry Mountains               |
| Bull Mountain                           | UT-050-242                       | 11,800         |                | Wayne/Garfield             | Henry Mountains               |
| Little Rockies                          | UT-050-247 3/                    | 38,700         |                | Garfield                   | Henry Mountains               |
| Mount Pennell (IBLA)                    | UT-050-248                       | 27,300         |                | Garfield                   | Henry Mountains               |
| Mount Hillers                           | UT-050-249                       | 20,000         |                | Garfield                   | Henry Mountains               |
| Subtotal (17)                           |                                  | 678,270        |                |                            |                               |

| WSA Name          | Number*                      | 603<br>Acreage | 202<br>Acreage | County                 | Resource<br>Area              |
|-------------------|------------------------------|----------------|----------------|------------------------|-------------------------------|
| Muddy Creek       | UT-060-007                   | 31,400         |                | Emery                  | San Rafael                    |
| Sids Mountain     | UT-060-023                   | 80,530         |                | Emery                  | San Rafael                    |
| Devils Canyon     | UT-060-025                   | 9,610          |                | Emery                  | San Rafael                    |
| Crack Canyon      | UT-060-028A                  | 25,315         |                | Emery                  | San Rafael                    |
| San Rafael Reef   | UT-060-029A                  | 55,540         |                | Emery                  | San Rafael                    |
| Horseshoe Canyon  | UT-060-045/<br>050-237A 2/3/ | 20,500         |                | Emery/Wayne            | San Rafael/<br>Henry Mountain |
| Mexican Mountain  | UT-060-054 2/                | 59,600         |                | Emery                  | Price River/San Rafael        |
| Turtle Canyon     | UT-060-067                   | 33,690         |                | Emery                  | Price River                   |
| Desolation Canyon | UT-060-068A 2/               | 331,250        |                | Carbon/Emery/<br>Grand | Price River/Grand             |
| Floy Canyon       | UT-060-068B                  | 72,605         |                | Grand                  | Grand                         |
| Jack Canyon       | UT-060-068C                  | 7,500          |                | Carbon                 | Price River                   |
| Flume Canyon      | UT-060-100B                  | 54,050         |                | Grand                  | Grand                         |
| Coal Canyon       | UT-060-100C                  | 79,045         |                | Grand                  | Grand                         |
| Spruce Canyon     | UT-060-100C                  | 20,350         |                | Grand                  | Grand                         |
| Westwater Canyon  | UT-060-118                   | 31,160         |                | Grand                  | Grand                         |
| Negro Bill Canyon | UT-060-138                   | 7,620          |                | Grand                  | Grand                         |
| Mill Creek        | UT-060-139A                  | 10,320         |                | Grand                  | Grand                         |
| Behind the Rocks  | UT-060-140A                  | 12,635         |                | Grand/<br>San Juan     | Grand                         |
| Indian Creek      | UT-060-164 3/                | 6,870          |                | San Juan               | San Juan                      |
| Bridger Jack Mesa | UT-060-167                   | 5,290          |                | San Juan               | San Juan                      |
| Butler Wash       | UT-060-169 3/                | 22,030         |                | San Juan               | San Juan                      |
| Middle Point      | UT-060-175 4/                | 5,990          |                | San Juan               | San Juan                      |
| Marcos Mesa       | UT-060-181                   | 51,440         |                | San Juan               | San Juan                      |
| Pine Canyon       | UT-060-188 4/                | 10,890         |                | San Juan               | San Juan                      |
| Bullet Canyon     | UT-060-196 4/                | 8,520          |                | San Juan               | San Juan                      |
| Slickhorn Canyon  | UT-060-197/198 3/4/          | 45,390         |                | San Juan               | San Juan                      |
| Road Canyon       | UT-060-201                   | 52,420         |                | San Juan               | San Juan                      |
| Fish Creek Canyon | UT-060-204                   | 46,440         |                | San Juan               | San Juan                      |
| Mule Canyon       | UT-060-203B                  | 5,990          |                | San Juan               | San Juan                      |
| Sheiks Flat       | UT-060-224 4/                | 3,140          |                | San Juan               | San Juan                      |
|                   | Subtotal (30)                | 1,207,130      |                |                        |                               |
| Winter Ridge      | UT-080-730                   | 42,462         |                | Utah                   | Book Cliffs                   |
|                   | Subtotal (1)                 | 42,462         |                |                        |                               |
| STATE Subtotal    | (67)                         | 2,915,010      | (4)            | 6,677                  |                               |
| STATE TOTAL WSA'  | (71)                         | 2,921,687      |                |                        |                               |



## WYOMING

## \*District Prefix Code:

010-World; 030-Rawlins; 040-Rock Springs; 060-Casper

1/ Crosses State political boundaries.

2/ Crosses BLM resource administrative boundaries.

3/ Contiguous wilderness area or study area on lands administered by federal agency other than BLM.

\*\*MFP-Management Framework Plan, A-Amendment, T-Transition; RMP-Resource Management Plan.

| WSA Name                         | Number*                   | 603<br>Acreage | 202<br>Acreage | County                 | Resource<br>Area | Plan Name                   | Plan**<br>Type | Plan<br>Start | DEIS<br>Completion |
|----------------------------------|---------------------------|----------------|----------------|------------------------|------------------|-----------------------------|----------------|---------------|--------------------|
| Bobcat Draw Badlands             | WY-010-126                | 17,150         |                | Washakie               | Grass Creek      | Grass Creek/<br>Cody        | M-T-T          | 1981          | 1984               |
| Sheep Mountain                   | WY-010-130                | 22,210         |                | Big Horn               | Grass Creek      |                             |                |               |                    |
| Red Butte                        | WY-010-131                | 10,910         |                | Big Horn               | Grass Creek      |                             |                |               |                    |
| McClough Peaks                   | WY-010-335                | 24,570         |                | Park                   | Cody             |                             |                |               |                    |
| Subtotal (4)                     |                           | 74,840         |                |                        |                  |                             |                |               |                    |
| Honeycombs                       | WY-010-221                | 20,740         |                | Washakie               | Washakie         | Washakie                    | RMP            | 1983          | 1986               |
| Cedar Mountain                   | WY-010-222                | 21,570         |                | Washakie               | Washakie         |                             |                |               |                    |
| Medicine Lodge                   | WY-010-240 3/             | 7,740          |                | Big Horn               | Washakie         |                             |                |               |                    |
| Alkali Creek                     | WY-010-261                | 10,100         |                | Big Horn               | Washakie         |                             |                |               |                    |
| Trapper Creek                    | WY-010-242                | 7,200          |                | Big Horn               | Washakie         |                             |                |               |                    |
| Subtotal (5)                     |                           | 67,350         |                |                        |                  |                             |                |               |                    |
| Sweetwater Canyon                | WY-030-101                | 9,056          |                | Fremont                | Lander           | Lander                      | RMP            | 1984          | 1985               |
| Copper Mountain                  | WY-030-111                | 6,858          |                | Fremont                | Lander           |                             |                |               |                    |
| Sweetwater Rocks                 | WY-030-120                | 5,956          |                | Fremont                | Lander           |                             |                |               |                    |
| Sweetwater Rocks                 | WY-030-122                | 12,749         |                | Fremont                | Lander           |                             |                |               |                    |
| Sweetwater Rocks                 | WY-030-123A               | 7,041          |                | Fremont                | Lander           |                             |                |               |                    |
| Sweetwater Rocks                 | WY-030-123B               | 6,429          |                | Fremont                | Lander           |                             |                |               |                    |
| Subtotal (6)                     |                           | 48,089         |                |                        |                  |                             |                |               |                    |
| Bennett Mountains                | WY-030-304                | 5,722          |                | Carbon                 | Medicine Bow     | Medicine Bow                | RMP            | 1985          | 1986               |
| Subtotal (1)                     |                           | 5,722          |                |                        |                  |                             |                |               |                    |
| Adobe Town                       | WY-030-401/<br>040-408 2/ | 81,871         |                | Sweetwater             | Overland         | Adobe Town/<br>Ferris Mtns. | MFP-T          | 1981          | 1984               |
| Ferris Mountains                 | WY-030-407                | 20,495         |                | Carbon                 | Divide           |                             |                |               |                    |
| Subtotal (2)                     |                           | 102,366        |                |                        |                  |                             |                |               |                    |
| Lake Mountain                    | WY-040-110                | 13,865         |                | Sublette               | Pinedale         | Rock Springs                | MFP-T          | 1980          | 1984               |
| Raymond Mountains                | WY-040-221                | 32,936         |                | Lincoln                | Kammerer         |                             |                |               |                    |
| Buffalo Hump                     | WY-040-306                | 10,300         |                | Sweetwater             | Big Sandy        |                             |                |               |                    |
| Sand Dunes                       | WY-040-307                | 26,509         |                | Sweetwater             | Big Sandy        |                             |                |               |                    |
| Alkali Draw (IBLA)               | WY-040-311                | 16,990         |                | Sweetwater             | Big Sandy        |                             |                |               |                    |
| South Pinnacles                  | WY-040-313                | 10,800         |                | Sweetwater             | Big Sandy        |                             |                |               |                    |
| Alkali Basin/East Sand<br>Dunes  | WY-040-316/317            | 12,800         |                | Sweetwater             | Big Sandy        |                             |                |               |                    |
| Red Lake                         | WY-040-318                | 9,515          |                | Sweetwater             | Big Sandy        |                             |                |               |                    |
| Honeycomb Buttes                 | WY-040-323                | 40,750         |                | Sweetwater/<br>Fremont | Big Sandy        |                             |                |               |                    |
| Oregon Buttes                    | WY-040-324                | 5,700          |                | Sweetwater             | Big Sandy        |                             |                |               |                    |
| White Horse Creek                | WY-040-325                |                | 4,002          | Fremont                | Big Sandy        |                             |                |               |                    |
| Devils Playground/Twin<br>Buttes | WY-040-401/402            | 22,561         |                | Sweetwater             | Salt Wells       |                             |                |               |                    |
| Red Creek Badlands               | WY-040-406                | 8,020          |                | Sweetwater             | Salt Wells       |                             |                |               |                    |
| Subtotal (13)                    |                           | 210,746        | (1) 4,002      |                        |                  |                             |                |               |                    |
| Gardner Mountain                 | WY-060-201                | 6,423          |                | Johnson                | Buffalo          | Buffalo                     | RMP            | 1982          | 1983               |
| North Fork Powder River          | WY-060-202                | 10,089         |                | Johnson                | Buffalo          |                             |                |               |                    |
| Fortification Creek              | WY-060-204                | 12,419         |                | Johnson                | Buffalo          |                             |                |               |                    |
| Subtotal (3)                     |                           | 28,931         |                |                        |                  |                             |                |               |                    |
| STATE Subtotal                   | (34)                      | 538,044        | (1) 4,002      |                        |                  |                             |                |               |                    |
| STATE TOTAL WSA's                | (35)                      | 542,046        |                |                        |                  |                             |                |               |                    |

TABLE III

## INSTANT STUDY AREAS (ISA's)

- \* Study complete; ISA lacks wilderness characteristics; State Director has tentatively recommended it unsuitable for preservation as wilderness (29 areas).  
 2/ Study complete; ISA with or without contiguous public land and has wilderness characteristics; State Director has tentatively recommended it suitable for preservation as wilderness (8 areas).  
 3/ Study deferred; ISA and contiguous public lands have wilderness characteristics; study to be completed within indicated plan/EIS (15 areas).  
 4/ President forwarded suitable recommendation to Congress on 9/13/82 (1 area).

\*\* The "ISA" acreage represents the previously designated natural or primitive area. The "contiguous" acreage listed in this table excludes any lands included in Table II. The BLM total acreage consists of the ISA acreage plus contiguous lands containing wilderness characteristics.

\*\*\* MFP-Management Framework Plan, A-Amendment, T-Transition; RMP-Resource Management Plan; STWIDE-Statewide Consolidated Wilderness Study and EIS

| ISA NAME  | *    | STATE            | DISTRICT                     | Acreage** |            |           | Resource Area           | County                | Plan Name        | Plan***<br>Type | Plan<br>Start | DEIS<br>Completion |
|---|------|------------------|------------------------------|-----------|------------|-----------|-------------------------|-----------------------|------------------|-----------------|---------------|--------------------|
|   |      |                  |                              | ISA       | Contiguous | BLM Total |                         |                       |                  |                 |               |                    |
| Aravaipa Canyon                                   | 4/   | Arizona          | Safford                      | 4,044     | 2,626      | 6,670     | Gila                    | Pinal/Graham          | N/A              | N/A             | N/A           | 1980               |
| Big Sage  | 3/   | Arizona          | Arizona Strip                | 160       | 0          | 160       | Vermillion              | Coconino              | Arizona Strip    | MFP-A           | 1982          | 1983               |
| Paute   | 2/   | Arizona          | Arizona Strip                | 35,092    | 230        | 35,322    | Shiwiwa                 | Coconino              | Arizona Strip    | ISA N/A         | N/A           | 1982               |
| Paria Canyon<br>(Administered by<br>Arizona/Utah) | 2/   | Arizona/<br>Utah | Arizona Strip/<br>Cedar City | 27,460    | 36,078     | 63,538    | Vermillion/<br>Kanab    | Coconino/<br>Kanab    | Arizona Strip    | ISA N/A         | N/A           | 1982               |
| Turbinella-Gambel<br>Oak                          | 1/   | Arizona          | Arizona Strip                | 154       | 0          | 154       | Shiwiwa                 | Mohave                | Arizona Strip    | MFP-A           | 1982          | 1983               |
| Vermillion Cliffs                                 | 2/   | Arizona          | Arizona Strip                | 49,215    | 920        | 50,135    | Vermillion              | Coconino              | Arizona Strip    | ISA N/A         | N/A           | 1982               |
| Subtotal*   | (6)  |                  |                              | 116,125   | 39,854     | 155,979   |                         |                       |                  |                 |               |                    |
| Baker Cypress/<br>Lava Rock                       | 3/   | California       | Redding                      | 1,148     | 17,542     | 18,690    | Alturas                 | Shasta                | North Central CA | MFP-T           | 1981          | 1984               |
| Bitterbrush                                       | 1/   | California       | Susanville                   | 640       | 0          | 640       | Eagle Lake              | Lassen                | N/A              | N/A             | N/A           | 1981               |
| Chemise Mountain                                  | 3/   | California       | Utah                         | 3,941     | 1,171      | 5,112     | Arcada                  | Mendocino             | King Range       | MFP-A           | 1984          | 1985               |
| Negit Island                                      | 1/   | California       | Bakersfield                  | 197       | 0          | 197       | Bishop                  | Mono                  | N/A              | N/A             | N/A           | 1981               |
| Paute Cypress                                     | 3/   | California       | Bakersfield                  | 760       | 2,818      | 3,578     | Caliente                | Kern                  | Central CA       | MFP-A           | 1981          | 1982               |
| San Benito  | 1/   | California       | Folsom                       | 1,500     | 0          | 1,500     | Hollister               | San Bernardino        | N/A              | N/A             | N/A           | 1981               |
| Subtotal  | (6)  |                  |                              | 8,186     | 21,531     | 29,717    |                         |                       |                  |                 |               |                    |
| High Mesa   | 1/   | Colorado         | Canon City                   | 680       | 0          | 680       | Royal Gorge             | Fremont               | N/A              | N/A             | N/A           | 1981               |
| North Sand Dunes                                  | 1/   | Colorado         | Craig                        | 791       | 0          | 791       | Kremmling               | Jackson               | N/A              | N/A             | N/A           | 1981               |
| Needle Rock                                       | 1/   | Colorado         | Montrose                     | 80        | 0          | 80        | San Juan                | Delta                 | N/A              | N/A             | N/A           | 1981               |
| Powderhorn  | 2/   | Colorado         | Montrose                     | 40,480    | 9,660      | 50,140    | Gunnison Basin          | Gunnison              | N/A              | N/A             | N/A           | 1982               |
| Rare Lizard and<br>Snake                          | 1/   | Colorado         | Montrose                     | 443       | 0          | 443       | San Juan                | Montezuma             | N/A              | N/A             | N/A           | 1981               |
| Subtotal  | (5)  |                  |                              | 42,474    | 9,660      | 52,134    |                         |                       |                  |                 |               |                    |
| Birds of Prey                                     | 1/   | Idaho            | Boise                        | 26,713    | 0          | 26,713    | Owyhee/Bruneau          | Ada/Owyhee/<br>Elmore | N/A              | N/A             | N/A           | 1980               |
| China Cup Butte                                   | 1/   | Idaho            | Idaho Falls                  | 160       | 0          | 160       | Big Butte               | Blaine                | N/A              | N/A             | N/A           | 1980               |
| Great Rift  | 2/   | Idaho            | Idaho Falls/<br>Shoshone     | 160       | 355,690    | 355,850   | Big Butte/<br>Monument  | Blaine/<br>Minidoka   | N/A              | N/A             | N/A           | 1980               |
| Subtotal  | (3)  |                  |                              | 27,033    | 355,690    | 382,723   |                         |                       |                  |                 |               |                    |
| Centennial Mt.                                    | 3/   | Montana          | Butte                        | 21,774    | 8,256      | 30,030    | Dillon                  | Beaverhead            | N/A              | N/A             | 1984          | 1985               |
| Humbag Spires                                     | 2/   | Montana          | Butte                        | 7,041     | 4,261      | 11,302    | Dillon                  | Silver Bow            | N/A              | N/A             | N/A           | 1980               |
| Square Butte                                      | 1/   | Montana          | Lewistown                    | 1,947     | 0          | 1,947     | Judith                  | Fergus                | N/A              | N/A             | N/A           | 1981               |
| Subtotal  | (3)  |                  |                              | 30,762    | 12,517     | 43,279    |                         |                       |                  |                 |               |                    |
| Huesser Mountain-<br>Bristlecone Pine             | 1/   | Nevada           | Ely                          | 480       | 0          | 480       | Egan                    | White Pine            | N/A              | N/A             | N/A           | 1981               |
| Goshute Canyon                                    | 3/   | Nevada           | Ely                          | 7,650     | 5,005      | 12,655    | Egan                    | White Pine            | Egan             | RMP             | 1981          | 1984               |
| Pygmy Sage  | 1/   | Nevada           | Ely                          | 160       | 0          | 160       | Schell                  | White Pine            | N/A              | N/A             | N/A           | 1981               |
| Swamp Cedar                                       | 1/   | Nevada           | Ely                          | 3,200     | 0          | 3,200     | Schell                  | White Pine            | N/A              | N/A             | N/A           | 1981               |
| Shoshone Ponds                                    | 1/   | Nevada           | Ely                          | 1,240     | 0          | 1,240     | Schell                  | White Pine            | N/A              | N/A             | N/A           | 1981               |
| Lahontan-Outthroat<br>Trout                       | 3/   | Nevada           | Winnemucca                   | 12,316    | 662        | 12,978    | Sonoma-Gerlach          | Humboldt              | Winnemucca       | MFP-T           | 1981          | 1983               |
| Mount Meadow                                      | 1/   | Nevada           | Battle Mountain              | 22        | 0          | 22        | Shoshone/Eureka         | Nye                   | N/A              | N/A             | N/A           | 1981               |
| Pine Creek  | 3/   | Nevada           | Las Vegas                    | 240       | 0          | 240       | Stateline/<br>Esmeralda | Clark                 | Clark            | MFP-T           | 1981          | 1983               |
| Pinyon-Joshua                                     | 1/   | Nevada           | Las Vegas                    | 640       | 0          | 640       | Stateline/<br>Esmeralda | Esmeralda             | N/A              | N/A             | N/A           | 1981               |
| Sunrise Mountain                                  | 1/   | Nevada           | Las Vegas                    | 10,240    | 0          | 10,240    | Caliente                | Clark                 | N/A              | N/A             | N/A           | 1981               |
| Virgin Mountain                                   | 1/   | Nevada           | Las Vegas                    | 6,560     | 0          | 6,560     | Caliente                | Lincoln               | N/A              | N/A             | N/A           | 1981               |
| Subtotal  | (11) |                  |                              | 42,748    | 5,667      | 48,415    |                         |                       |                  |                 |               |                    |

| ISA NAME                               | *  | STATE      | DISTRICT     | Acreage ** |            |           | Resource Area            | County      | Plan Name   | Plan***<br>Type | Plan<br>Start | DEIS<br>Completion |
|--|----|------------|--------------|------------|------------|-----------|--------------------------|-------------|-------------|-----------------|---------------|--------------------|
|  |    |            |              | ISA        | Contiguous | BIM Total |                          |             |             |                 |               |                    |
| El Malpais                             | 2/ | New Mexico | Albuquerque  | 84,000     | 73,640     | 157,640   | Rio Puerco               | Cibola      | N/A         | N/A             | N/A           | 1982               |
| Gudalupe Canyon                        | 3/ | New Mexico | Las Cruces   | 3,692      | 5,260      | 8,952     | Las Cruces/<br>Lordsburg | Hidalgo     | Coronado FS | Forest          | 1982          | 1984               |
| Mathers                                | 1/ | New Mexico | Roswell      | 360        | 0          | 360       | Carlsbad                 | Chaves      | N/A         | N/A             | N/A           | 1981               |
| Subtotal                               |    | (3)        |              | 88,052     | 78,900     | 166,952   |                          |             |             |                 |               |                    |
| Brewer Spruce                          | 1/ | Oregon     | Medford      | 210        | 0          | 210       | Grants Pass              | Josephine   | N/A         | N/A             | N/A           | 1981               |
| Douglas Fir                            | 1/ | Oregon     | Coos Bay     | 590        | 0          | 590       | Burnt Mountain           | Coos        | N/A         | N/A             | N/A           | 1981               |
| Little Sink                            | 1/ | Oregon     | Salem        | 80         | 0          | 80        | Yamhill                  | Polk        | N/A         | N/A             | N/A           | 1981               |
| Lost Forest                            | 3/ | Oregon     | Lakeview     | 8,000      | 0          | 8,000     | High Desert              | Lake        | Oregon      | STWIDE          | 1982          | 1984               |
| Western Juniper                        | 1/ | Oregon     | Prineville   | 600        | 4,255      | 4,855     | Deschutes                | Deschutes   | N/A         | N/A             | N/A           | 1981               |
| Subtotal                               |    | (5)        |              | 9,480      | 4,255      | 13,735    |                          |             |             |                 |               |                    |
| Rock Cliffs                            | 1/ | Utah       | Vernal       | 400        | 0          | 400       | Rock Cliffs              | Utah        | N/A         | N/A             | N/A           | 1981               |
| Dark Canyon                            | 3/ | Utah       | Moab         | 62,040     | 5,990      | 68,030    | San Juan                 | San Juan    | Utah        | STWIDE          | 1982          | 1984               |
| Grand Gulch                            | 3/ | Utah       | Moab         | 37,580     | 67,940     | 105,520   | San Juan                 | San Juan    | Utah        | STWIDE          | 1982          | 1984               |
| Link Flats                             | 1/ | Utah       | Moab         | 912        | 0          | 912       | San Rafael               | Emery/Wayne | N/A         | N/A             | N/A           | 1981               |
| Devils Garden                          | 1/ | Utah       | Cedar City   | 640        | 0          | 640       | Escalante                | Garfield    | N/A         | N/A             | N/A           | 1981               |
| Joshua Tree                            | 1/ | Utah       | Cedar City   | 1,040      | 0          | 1,040     | Dixie                    | Washington  | N/A         | N/A             | N/A           | 1981               |
| Escalante Canyons<br>(Tract # 1)       | 1/ | Utah       | Cedar City   | 360        | 0          | 360       | Escalante                | Garfield    | Utah        | STWIDE          | 1982          | 1984               |
| North Escalante,<br>Gulch (Tracts 2-4) | 3/ | Utah       | Cedar City   | 9,719      | 109,554    | 119,273   | Escalante                | Garfield    | Utah        | STWIDE          | 1982          | 1984               |
| Escalante Canyon<br>(Tract # 5)        | 3/ | Utah       | Cedar City   | 320        | 440        | 760       | Escalante                | Kane        | Utah        | STWIDE          | 1982          | 1984               |
| Phipps Death<br>Hollow                 | 3/ | Utah       | Cedar City   | 34,288     | 8,443      | 42,731    | Escalante                | Garfield    | Utah        | STWIDE          | 1982          | 1984               |
| Subtotal                               |    | (10)       |              | 147,299    | 192,367    | 339,666   |                          |             |             |                 |               |                    |
| Scab Creek                             | 2/ | Wyoming    | Rock Springs | 6,680      | 956        | 7,636     | Pinetale                 | Sublette    | N/A         | N/A             | N/A           | 1982               |
| Subtotal                               |    | (1)        |              |            |            |           |                          |             |             |                 |               |                    |
| TOTAL                                  |    | (53)       |              | 518,839    | 721,397    | 1,240,236 |                          |             |             |                 |               |                    |

BILLING CODE 4310-84-C

**Appendix A.—State Offices, U.S.  
Department of the Interior, Bureau of  
Land Management**

Alaska: (907) 271-5076, 701 C Street, P.O.  
Box 13, Anchorage, AK 99513

Arizona: (602) 261-3141, 2400 Valley  
Bank Center, Phoenix, AZ 85073

California: (916) 484-4636, Federal Office  
Building, 2800 Cottage Way, Room E-  
2841, Sacramento, CA 95825

Colorado: (303) 837-3393, 1037 20th  
Street, Denver, CO 80202

Eastern States Office: (703) 235-2866,  
350 South Pickett Street, Alexandria,  
VA 22304

Idaho: (208) 334-1748, Federal Building,  
Room 398, 3380 Americana Terrace,  
Boise, ID 83702

Montana: (406) 657-6090, 222 North 32nd  
Street, P.O. Box 30157, Billings, MT  
59107

Nevada: (702) 784-5748, Federal  
Building, Room 3008, 300 Booth Street,  
Post Office Box 12000, Reno, NV 89520

New Mexico: (505) 988-6227, U.S. Post  
Office and Federal Building, South

Federal Place, P.O. Box 1449, Santa  
Fe, NM 87501

Oregon: (503) 231-6823, 825 N.E.  
Multnomah Street, P.O. Box 2965,  
Portland, OR 97208

Utah: (801) 524-3136, University Club  
Bldg., 136 East South Temple, Salt  
Lake City, Ut, 84111

Wyoming: (307) 772-2073, 2515 Warren  
Avenue, P.O. Box 1828, Cheyenne,  
WY 82001.

[FR Doc. 83-33804 Filed 12-23-83; 8:45 am]

**BILLING CODE 4310-84-M**



**Final Report  
Federal**

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**Tuesday  
December 27, 1983**

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**Part III**

**Department of  
Education**

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**National Diffusion Network; Notice of  
Proposed Rulemaking**

**DEPARTMENT OF EDUCATION****34 CFR Part 796****National Diffusion Network**

**AGENCY:** Department of Education.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Secretary proposes to revise the National Diffusion Network regulations, as part of the Department of Education's deregulation effort. The intended effect of the action is to improve the operation of the National Diffusion Network program.

**DATES:** Comments must be received on or before February 10, 1984.

**ADDRESSES:** Comments should be addressed to Lois N. Weinberg, Education Program Specialist, National Diffusion Network, U.S. Department of Education, 400 Maryland Ave. SW., Room 613, Brown Building, Washington, D.C. 20202..

**FOR FURTHER INFORMATION CONTACT:** Lois N. Weinberg, (202) 653-7006.

**SUPPLEMENTARY INFORMATION:**

**Background**

The National Diffusion Network (NDN) was established in 1974 to promote—at a fraction of their original developmental costs—the widespread national use of exemplary educational programs.

The NDN was originally authorized in Fiscal Year (FY) 1974 under the Elementary and Secondary Education Act, Title III, Section 306. In FY 1977, the program was authorized in Section 422(a) of the General Education Provisions Act (GEPA). The FY 1980 authority was contained in the Elementary and Secondary Education Act, Sections 303 and 376. Current authority is based on the Education Consolidation and Improvement Act of 1981, Pub. L. 97-35, Sec. 583(a)(1).

The NDN is a delivery system composed of two types of projects—  
(a) *Developer Demonstrator Projects*. Developer Demonstrator Projects are funded to install a specific exemplary educational program in new settings nationwide.

(b) *State Facilitator Projects*. State Facilitator Projects disseminate a variety of exemplary educational programs within the particular State served.

**Significant Changes**

The Department proposes some changes based on the experiences of the Division of National Dissemination Programs and grantees during the past few years. Technical changes have been

made to correct errors and to update citations of statutory authority.

Several definitions have been deleted because they are no longer necessary and others, pertaining to the Joint Dissemination Review Panel, have been added.

Sections 796.12 and 796.16, which describe the activities Developer Demonstrator and State Facilitator grantees must conduct, have been clarified, and related activities have been described more consistently. Evaluation requirements have been made more specific. The requirement that Developer Demonstrator grantees, State Facilitator grantees, and personnel at program adoption sites work together to negotiate an adoption agreement in which the responsibilities of each party are clearly understood, will provide greater involvement of local school officials.

In addition, § 796.13 of the proposed regulations no longer specifies requirements related to the approval and reapproval process by the Joint Dissemination Review Panel (JDRP). The procedures for and duration of JDRP approval will remain unchanged from those specified in the current regulations. The requirement for reapproval has been clarified and revised as a simplified recertification process. Under the proposed recertification process, the review is limited to whether the basic features of the program remain essentially the same, the educational results of the program are as effective as those demonstrated at the time of the initial JDRP approval, and the costs of the program compare favorably to the costs of the original program.

Section 796.15, describing program priorities, has been revised to reflect new priorities based on the report of the National Commission on Excellence in Education.

Section 796.34 has been added to provide additional information about project selection and funding to applicants.

**Paperwork Reduction Act of 1980**

The collection of information requirements contained in the rule has been submitted to OMB for review under § 3504(h) of the Act. Persons interested in commenting on these requirements may write to the Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for the Department of Education.

**Executive Order 12291**

These proposed regulations have been reviewed in accordance with Executive Order 12291.

They are classified as non-major because they do not meet the criteria for major regulations established in the order.

**Regulatory Flexibility Act Certification**

The Secretary certifies that these proposed regulations will not have a significant economic impact on a substantial number of small entities. The small entities affected would be small public or nonprofit private agencies, organizations, or institutions applying for financial assistance under this program. These regulations adopt requirements in the Education Department General Administrative Regulations and do not impose any additional regulatory burdens on applicants and recipients. They will therefore not have a significant economic impact on small entities.

**Intergovernmental Review**

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR Part 79 (48 FR 29158; June 24, 1983). The objective of the Executive Order is to foster an intergovernmental partnership and a strengthened federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

**Invitation to Comment**

Interested persons are invited to submit comments and recommendations regarding these proposed regulations. Written comments and recommendations may be sent to the address given at the beginning of this document.

All comments submitted on or before the 45th day after publication of this document will be considered before the Secretary issues final regulations. All comments submitted in response to these proposed regulations will be available for public inspection, during and after the comment period, in Room 714, Brown Building, 1200 19th St. NW., Washington, D.C., between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week except Federal holidays.

To assist the Department in complying with the specific requirements of Executive Order 12291 and the Paperwork Reduction Act of 1980 and their overall requirement of reducing regulatory burden, public comment is invited on whether there may be found

further opportunities to reduce any regulatory burdens found in these proposed regulations.

#### Assessment of Educational Impact

The Secretary particularly requests comments on whether the regulations in this document would require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

#### List of Subjects in 34 CFR Part 796

Dissemination, Education.  
Educational research, Grant programs—education.

#### Citation of Legal Authority

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provision of these final regulations.

(Catalog of Federal Domestic Assistance No. 84.073, National Diffusion Network)

Dated: December 20, 1983.

T. H. Bell,

*Secretary of Education.*

The Secretary proposes to revise Part 796 of Title 34 of the Code of Federal Regulations to read as follows:

### PART 796—NATIONAL DIFFUSION NETWORK

#### Subpart A—General

Sec.

796.1 What is the National Diffusion Network (NDN)?

796.2 What regulations apply to the NDN?

796.3 What definitions apply to the NDN?

#### Subpart B—What Kinds of Projects Does the Department Assist Under This Program?

796.11 What types of projects does the NDN assist?

796.12 What activities must a Developer Demonstrator project conduct?

796.13 How long do approval and recertification by the Joint Dissemination Review Panel last?

796.14 Who is eligible to apply for a Developer Demonstrator grant?

796.15 Will priorities for funding Developer Demonstrator grants be established?

796.16 What activities must a State Facilitator Project conduct?

796.17 Who is eligible to apply for a State Facilitator grant?

796.18 What types of awards does the Secretary make under the NDN?

#### Subpart C—How To Apply for a Grant—[Reserved]

#### Subpart D—How is a Grant Made?

796.31 How does the Secretary evaluate an application for a Developer Demonstrator or a State Facilitator grant?

Sec.

796.32 What selection criteria does the Secretary use to review an application for a new Developer Demonstrator grant?

796.33 What selection criteria does the Secretary use to review an application for a new State Facilitator grant?

796.34 What additional criteria exist for new and continuation awards?

#### Subpart E—What Conditions Must Be Met by a Grantee?

796.41 Are there restrictions on the kinds of items a grant may support?

796.42 Nonprofit private school requirements.

**Authority:** Section 583 of the Education Consolidation and Improvement Act of 1981; Pub. L. 97-35; 20 U.S.C. 3851.

#### Subpart A—General

##### § 796.1 What is the National Diffusion Network (NDN)?

The National Diffusion Network (NDN) funds activities designed to promote across the Nation the widespread use of exemplary educational programs by educational service providers. The NDN is designed—

(a) To identify potential exemplary educational programs nationwide;

(b) To acquaint educational service providers with information on exemplary educational programs; and

(c) To help these providers adopt the exemplary educational programs through training and technical assistance.

(20 U.S.C. 3851)

##### § 796.2 What regulations apply to the NDN?

(a) *Regulations.* The following regulations apply to the NDN:

(1) The Education Department General Administrative Regulations (EDGAR) in Part 74 (Administration of Grants), Part 75 (Direct Grant Programs), Part 77 (Definitions), Part 78 (Education Appeals Board), and Part 79 (Intergovernmental Review of Department of Education Programs and Activities).

(2) The regulations in this Part 976.

(b) *Exceptions to EDGAR.* Section 75.650, Participation of students enrolled in private schools, does not apply to this program. (However, see § 796.42 in this part, which governs this participation.)

(20 U.S.C. 3851)

##### § 796.3 What definitions apply to the NDN?

(a) *Definitions in EDGAR apply to the NDN.* The following terms used in this part are defined in Part 77 of EDGAR:

Applicant  
Application  
Award  
Budget period

Department

EDGAR

Facilities

Local educational agency (LEA)

Nonprofit

Project

Private

Public

State educational agency (SEA)

(b) Definitions in 34 CFR Part 74 apply to the NDN. The following terms used in this part are defined in 34 CFR Part 74 of EDGAR:

Equipment  
Grantee

(c) *Additional definitions.* The following definitions apply specifically to this program:

"Adoption" mean the use of a JDRP approved exemplary educational program by an educational service provider in a new setting.

"Adoption Agreement" means an understanding among a Developer Demonstrator grantee, a State Facilitator grantee, and officials of an educational service provider concerning the responsibilities of each for the adoption of an exemplary educational program.

"Certified Demonstration Site" means an adoption site that utilizes all key elements of an exemplary educational program and is authorized by the exemplary educational program sponsor to receive visitors and demonstrate the program.

"Certified Trainer" means an individual authorized by an exemplary educational program sponsor to perform certain functions such as awareness presentations, training, and assistance in the adoption of an exemplary educational program.

"Educational Service Provider" means any public or nonprofit private agency or organization responsible for the provision of educational services, including State educational agencies (SEAs), local educational agencies (LEAs), nonprofit private educational agencies, public or nonprofit private institutions of higher education, and other agencies such as correctional institutions and health facilities.

"Exemplary Educational Program" means a program, product, or practice approved by the Joint Dissemination Review Panel, and may be referred to as a "program" in these regulations.

"Joint Dissemination Review Panel" (JDRP) means a panel within the Department of Education that examines evidence of effectiveness in attaining goals of educational programs, products, or practices.

"JDRP Approval" means that a proposed exemplary educational



program has demonstrated that a positive change has occurred that is directly attributable to the program; that the change was statistically and educationally significant; that the evidence supporting the program's claims was gathered and interpreted correctly; that the program is accurately described; that the program could be used effectively in other locations; that the cost was reasonable, considering the magnitude and the subject of change; that it has a high quality evaluation design; that it does not have any potential for educational harm to students; and that it is socially fair, e.g., free from race and sex-role stereotyping.

"JDRP Recertification" means that a program that was previously approved by the JDRP has demonstrated that the basic features of the program remain essentially the same as the originally approved program; that the educational effects at similar sites compare favorably to those that were demonstrated at the time of the initial JDRP approval; and that the costs of the program compare favorably to the costs of the originally approved program.

"Key Elements" are the components of an exemplary educational program that must be implemented if the program is to work as approved by the JDRP.

(20 U.S.C. 3851)

#### **Subpart B—What Kinds of Projects Does the Department Assist Under This Program?**

##### **§ 796.11 What types of projects does the NDN assist?**

The National Diffusion Network assists two types of projects:

(a) Development Demonstrator Projects—disseminate a specific exemplary educational program nationwide.

(b) State Facilitator Projects—disseminate a wide variety of exemplary educational programs within the particular State served by each project.

(20 U.S.C. 3851)

##### **§ 796.12 What activities must a Developer Demonstrator project conduct?**

A Developer Demonstrator project must—

(a) Develop and provide material—

(1) For educational service providers throughout the Nation to use in deciding whether to adopt the exemplary educational program;

(2) For training and instruction in the exemplary educational program; and

(3) For management and evaluation of the program;

(b) Negotiate adoption agreements with State Facilitator grantees and educational service providers;

(c) Install the exemplary educational program in new settings in other States by—

(1) Assisting potential adopters with preparatory stages;

(2) Providing training to staff members of the adopting educational service provider; and

(3) Providing technical assistance in the implementation and evaluation stages of an adoption;

(d) Evaluate the quality and effectiveness of the activities listed in paragraphs (a), (b), and (c) of this section as specified in the evaluation plan for the project;

(e) Monitor and evaluate the quality and effectiveness of the adoptions by collecting and analyzing impact data from a representative sample of adoption sites, as specified in the evaluation plan for the project;

(f) Maintain records during the grant period concerning the adoptions of the program including records of—

(1) Demographic data;

(2) Evaluation data; and

(3) Retention rates;

(g) Develop and implement a system to identify and train Certified Trainers;

(h) Identify and certify demonstration sites throughout the Nation;

(i) Participate with other NDN grantees in workshops and meetings arranged by the Secretary; and

(j) Cooperate with State Facilitator grantees in carrying out the activities in this section.

(20 U.S.C. 3851)

(Approved by the Office of Management and Budget under control number 1850-0086)

##### **§ 796.13 How long do approval and recertification by the Joint Dissemination Review Panel last?**

For the purposes of NDN funding—

(a) JDRP approval granted on or before September 30, 1980, remains in effect for a four-year period beginning October 1, 1980;

(b) JDRP approval granted after September 30, 1980, remains in effect for a four-year period after the date of approval; and

(c) Any subsequent JDRP recertification of the same program remains in effect for four years after the recertification date.

(20 U.S.C. 3851)

##### **§ 796.14 Who is eligible to apply for a Developer Demonstrator grant?**

(a) Any public or nonprofit private agency, organization, or institution that has developed a program that has current JDRP approval or current JDRP recertification, and is available for visitation, may apply for a Developer Demonstrator grant.

(b) If the agency that developed the exemplary educational program does not apply, another public or nonprofit private agency, organization, or institution may apply if—

(1) The program is approved or recertified by the JDRP; (2) The program continues in operation; (3) The program is available for visitation; and

(4) The staff includes personnel who originally developed or operated the program, or who are experienced and knowledgeable about the program.

(c) Both federally and non-federally developed exemplary educational programs are eligible for NDN funding. (20 U.S.C. 3851)

##### **§ 796.15 Will priorities for funding Developer Demonstrator grants be established?**

(a) Each year the Secretary may announce in an application notice published in the *Federal Register* The program priorities for which applicants may apply for assistance.

(b)(1) Each time the Secretary announces a competition, the Secretary may select one or more priorities.

(2) Applicants compete separately under each priority selected by the Secretary.

(3) The Secretary may select priorities under this section after taking into consideration any unmet national needs.

(c) The Secretary may select priorities from the following subject areas or special needs:

(1) English.

(2) Science.

(3) Social studies.

(4) Mathematics or higher mathematics.

(5) Reading.

(6) Written oral communication.

(7) Health.

(8) Nutrition.

(9) Physical fitness.

(10) Environmental education.

(11) Foreign language programs that accomplish one or more of the following—

(i) Introduce students to non-English-speaking cultures;

(ii) Heighten awareness and comprehension of one's native tongue; or

(iii) Serve the Nation's needs in commerce, diplomacy, defense, and education.

(12) Computer science programs that enable students to accomplish one or more of the following—

(i) Understand the computer as an information, computation, and communication device;

(ii) Use the computer to enhance instruction in English, mathematics,

science, social studies, or for personal and work-related purposes; or

(iii) Understand the world of computers, electronics, and related technologies.

(13) Programs that advance students' personal, educational, and occupational goals, such as courses in the fine and performing arts, vocational education, and industrial arts.

(14) Programs that improve students' skills in comprehension, analysis, problem solving, deductive and inductive reasoning, or study.

(15) Programs that improve teaching and the quality of instruction through either or both of the following—

(i) The identification and transfer of non-traditional practices;

(ii) The application of current research findings in learning, teaching, and management.

(16) Educational leadership programs designed to accomplish one or more of the following—

(i) Increase academic standards and expectations;

(ii) Increase the effective use of time in schools;

(iii) Bring esteem and respect to members of the teaching profession; or

(iv) Provide support for school boards and administrators who have demonstrated the ability to marshal community, business, or industry resources needed to promote educational excellence.

(d) The Secretary may limit a priority established under paragraph (c) of this section as specified in one or both of the following two paragraphs.

(1) The Secretary may limit a priority to a specified instructional level, such as preschool, elementary, secondary, postsecondary, or adult education.

(2) The Secretary may limit a priority to one or more of the following special populations:

(i) Gifted and talented students.

(ii) Socioeconomically disadvantaged students.

(iii) Limited English-proficient students.

(iv) Handicapped students.

(v) Migrant students.

(vi) Functionally illiterate adults or pre-adults.

(20 U.S.C. 3851)

#### **§ 796.16 What activities must a State Facilitator Project conduct?**

A State Facilitator Project must—

(a) Inform educational service providers about the availability of all exemplary educational programs in the National Diffusion Network, both funded and non-funded, with a major focus on those developed in States other

than the one served by the State Facilitator.

(b) Assist educational service providers in—

(1) Identifying and assessing their needs; and

(2) Matching those needs with exemplary educational programs;

(c) Negotiate adoption agreements with funded and non-funded Developer Demonstrator projects and educational service providers;

(d) Arrange for funded and non-funded Developer Demonstrator projects and Certified Trainers to train staff members of educational service providers that adopt exemplary programs;

(e) Arrange for and provide follow-up services during the implementation of the adoptions;

(f) Assist funded and non-funded Developer Demonstrator projects and adopters in the evaluation of the adoptions;

(g) Maintain records during the grant period concerning the exemplary educational programs adopted in the State, including records of—

(1) Demographic data;

(2) Evaluation data; and

(3) Retention rates;

(h) Evaluate, as specified in the evaluation plan for the project, the quality and effectiveness of the activities listed under paragraphs (a) through (e) of this section and the quality and effectiveness of the dissemination process;

(i) Monitor, as specified in the monitoring plan for the project, the activities listed under paragraphs (d), (e) and (f) of this section;

(j) Assist in the identification and training of Certified Trainers for Developer Demonstrator projects;

(k) Assist in the identification and development of local demonstration sites for Developer Demonstrator projects;

(l) Identify and assist in the submission to JDRP of potential exemplary educational programs developed in the State served by the State Facilitator;

(m) Participate with other NDN grantees in workshops and meetings arranged by the Secretary;

(n) Provide appropriate information to national, State, local, and private agencies about NDN on the State and local level; and

(o) Cooperate with Developer Demonstrator projects in carrying out the activities in this section.

(20 U.S.C. 3851)

(Approved by the Office of Management and Budget under control number 1850-0086)

#### **§ 796.17 Who is eligible to apply for a State Facilitator grant?**

Any public or nonprofit private agency, organization, or institution located in the State to be served may apply for a State Facilitator grant.

(20 U.S.C. 3851)

#### **§ 796.18 What types of awards does the Secretary make under the NDN?**

(a) The Secretary awards grants and cooperative agreements under this program depending upon the nature of the relationship between the recipient and the Department.

(b) The Secretary evaluates cooperative agreements using the same procedures and criteria used to evaluate applications for grants.

(20 U.S.C. 3851)

#### **Subpart C—How To Apply for a Grant—[Reserved]**

**Note.**—EDGAR establishes the regulations for submission of applications. See, generally, 34 CFR 75.100–75.192.

#### **Subpart D—How Is a Grant Made?**

##### **§ 796.31 How does the Secretary evaluate an application for a Developer Demonstrator or a State Facilitator grant?**

(a) The Secretary evaluate an application—

(1) For a Developer Demonstrator grant on the basis of the criteria in § 796.32; and

(2) For a State Facilitator grant on the basis of the criteria in § 796.33.

(b) The Secretary awards up to 100 possible points under both—

(1) The Developer Demonstrator criteria; and

(2) The State Facilitator criteria.

(c) The maximum possible score for each criterion is indicated in parentheses.

(d) For State Facilitator projects, only one award is made in each State, selected by a separate competition for each State.

(20 U.S.C. 3851)

##### **§ 796.32 What selection criteria does the Secretary use to review an application for a new Developer Demonstrator grant?**

(a) *Plan of operation.* (20 points)

(1) The Secretary reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Secretary looks for information that shows—

(i) High quality in the design of the project, (see § 796.12 for a description of each of the activities that a Developer Demonstrator must conduct under the design);

(ii) A description of training required to install the program in new settings;  
 (iii) An effective plan of management that insure proper and efficient administration of the project;  
 (iv) A clear description of how the objectives of the project relate to the purpose of the program;

(v) The way the applicant plans to use its resources and personnel to achieve each objective;

(iv) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly; and

(vii) If the applicant is a local educational agency or State educational agency, a clear description of how the applicant will satisfy the applicable requirements for consultation with private school officials and an opportunity for participation by private school children as stated in § 796.42.

(b) *Quality of Key Personnel.* (20 points)

(1) The Secretary reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project;

(2) The Secretary looks for information that shows—

(i) The qualifications of the project director;

(ii) The qualifications of each of the other key personnel to be use in the project;

(iii) The time that each person referred to in paragraphs (b)(2)(i) and (ii) of this section plans to commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(3) To determine the qualifications of a person, the Secretary considers evidence of past experience and training in fields related to the objectives of the project, as well as other information that the applicant provides.

(c) *Budget and cost effectiveness.* (10 points)

(1) The Secretary reviews each application for information that shows

that the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows—

(i) The budget for the project is adequate to support the project activities;

(ii) Costs are reasonable in relation to the objectives of the projects; and

(iii) An estimate of the costs to the adopter for installing the program in a new setting and a projection of the number of educational service providers that will adopt the program each year.

(d) *Evaluation Plan.* (20 points)

(1) The Secretary reviews each application for information that shows the quality of the evaluation plan for the project. (See § 75.590—Evaluation by grantee.)

(2) The Secretary looks for information that shows methods of evaluation that are appropriate for the project and, the extent possible, are objective and produce data that are quantifiable.

(3) The Secretary looks for information that shows plans for evaluation of the following—

(i) The quality and effectiveness of awareness materials and conferences, of training and follow-up, and of internal management plans;

(ii) The implementation status of the adoptions, including key elements and implementation levels; and

(iii) The effectiveness of the adoption including the impact on the students or the changes in teacher or administrator behavior.

(e) *Adequacy of resources.* (5 points)

(1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Secretary looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(f) *Monitoring.* (15 points)

The Secretary looks for information that shows the extent to which the applicant clearly details plans that show promise of effective management of the project, including post adoption monitoring of the program implementation and resulting benefits at the adoption sites.

(g) *Effective dissemination strategies.* (10 points)

The Secretary looks for information that shows the extent to which the applicant proposes effective dissemination strategies to meet specific characteristics of the program.

(20 U.S.C. 3851)

**§ 796.33 What selection criteria does the Secretary use to review an application for a new State Facilitator grant?**

(a) *Plan of operation.* (15 points)

(1) The Secretary reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Secretary looks for information that shows—

(i) High quality in the design of the project, (see § 796.16 for a description of each of the activities that a State Facilitator must conduct under the design);

(ii) An effective plan of management that insures proper and efficient administration to the project;

(iii) A clear description of how the objectives to the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(b) *Quality of key personnel.* (20 points)

(1) The Secretary reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.

(2) The Secretary looks for information that shows—

(i) The qualifications of the project director;

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (b)(2) (i) and (ii) of this section plans to commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(3) To determine the qualifications of a person, the Secretary considers evidence of past experience and training in fields related to the objectives of the

project, as well as other information that the applicant provides.

(c) *Budget and cost effectiveness.* (10 points)

(1) The Secretary reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(d) *Evaluation plan.* (15 points.)

(1) The Secretary reviews each application for information that shows the quality of the evaluation plan for the project. (See § 75.590—Evaluation by the grantee.)

(2) The Secretary looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable, including evaluation of the impact of adoptions in the State served by the State Facilitator.

(e) *Adequacy of resources.* (4 points)

(1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Secretary looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(f) *Consultation during application.* (5 points) The Secretary looks for information that shows the extent to which the applicant, in developing its application, has consulted with the SEA, LEAs, IHEs, nonprofit private elementary and secondary schools, and other educational service providers in the State to be served;

(g) *Consultation and participation during project.* (5 points) The Secretary looks for information that shows the extent to which the applicant, in carrying out project activities, provides for consultation with, and participation of the SEA, LEAs, IHEs, nonprofit private elementary and secondary schools, and other educational service providers in the State.

(h) *Monitoring plan.* (16 points) The Secretary looks for information that shows the extent to which the applicant

clearly details plans to monitor and assist sites that adopt the programs, and provide follow-up services after training.

(i) *Effective dissemination strategies.* (10 points) The Secretary looks for information that shows the extent to which the applicant proposes effective dissemination strategies that may be used by other NDN grantees.

(20 U.S.C. 3851)

**§ 796.34 What additional criteria exist for new and continuation awards?**

(a)(1) In determining the order of selection under EDGAR § 75.217(d) for new Developer Demonstrator awards, the Secretary seeks diversity in the techniques used to teach a subject or meet a special need.

(2) In determining the level of funding for State Facilitator grants, the Secretary considers the student population of each State.

(b) If the Secretary makes a continuation award under § 75.253, the Secretary may consider the effectiveness of the project during the previous budget period in determining the amount of funding for the next budget period.

(20 U.S.C. 3851)

**Subpart E—What Conditions Must Be Met by a Grantee?**

**§ 796.41 Are there restrictions on the kinds of items a grant may support?**

Funds may not be used for stipends for educational personnel to participate in training activities, construction, repair, remodeling, or alteration of facilities or sites. See EDGAR Part 74, Subpart Q—Cost Principles.

(20 U.S.C. 1221 e-3(a)(1))

**§ 796.42 Nonprofit private school requirements.**

(a) A grant to an LEA or SEA is subject to the requirements in § 586 of the Education Consolidation and Improvement Act of 1981 concerning—

(1) Consultation with nonprofit private school officials in developing the applications; and

(2) The opportunity for participation by nonprofit private school children. The requirements for consultation are governed by paragraph (b) of this section, and § 76.652. of EDGAR.

(b) *Consultation.* (1)(i) An applicant shall comply with paragraphs (b)(1)(ii) of this section if the following conditions are met:

(A) The applicant is an LEA or SEA.

(B) The applicant applies for a Developer Demonstrator grant.

(C) The project proposed under the application is designed for adoption at elementary or secondary schools.

(ii) The applicant shall consult with officials of nonprofit private elementary and secondary schools to ensure that the project can benefit children in those schools.

(2)(i) An applicant shall comply with paragraph (b)(2)(ii) of this section if the following conditions are met:

(A) The applicant is an LEA or SEA.

(B) The applicant applies for a State Facilitator grant.

(ii) The applicant shall consult with officials of nonprofit private elementary and secondary schools in the State served by the project to determine appropriate strategies to ensure that children in those schools can benefit from the project.

(c) *Participation.* (1) An LEA or SEA that receives a Developer Demonstrator grant designed for adoption at elementary and secondary schools shall—

(i) Based on the consultation under paragraph (b)(1) of this section, ensure that nonprofit private elementary and secondary schools have an opportunity to adopt the program; and

(ii) Ensure that nonprofit private elementary and secondary schools in the area served by an adopter are informed about the opportunities to adopt the program.

(2) An LEA or SEA that receives a State Facilitator grant shall use the strategies developed under paragraph (b)(2) of this section to ensure that teachers and administrators from nonprofit private elementary and secondary schools have an opportunity to participate to adopt the program.

(d) An applicant that must comply with paragraph (c) of this section shall include in its application a description of how the applicant will meet the Federal requirements for participation.

(e) An LEA or SEA grantee shall comply with the rules for subgrantees in EDGAR § 76.658, Funds not to benefit a private school.

(20 U.S.C. 3851, 3862)

[FR Doc. 83-34254 Filed 12-23-83; 8:45 am]

BILLING CODE 4000-01-M



தெய்வநாயகம்

# Office of Management and Budget

## Budget Rescissions and Deferrals

**OFFICE OF MANAGEMENT AND  
BUDGET****Budget Rescissions and Deferrals**

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report one proposed rescission of budget

authority totaling \$1,700,000 and one revised deferral of budget authority totaling \$21,061,187.

The actions affect programs in the Departments of Health and Human Services and Labor.

The details of the proposed rescission and deferral are contained in the attached reports.

**Ronald Reagan.**

The White House,  
December 21, 1983.

**BILLING CODE 3110-01-M**





## Department of Labor

## Occupational Safety and Health Administration

## Salaries and Expenses

Of the amounts available for the Occupational Safety and Health Administration, "Salaries and Expenses," for 1984 in P.L. 98-139, \$1,700,000 are rescinded, and the amounts available for grants to States under Section 23(g) of the Occupational Safety and Health Act in P.L. 98-139 shall be reduced by \$1,700,000.

D84-10A

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of P.L. 93-344

This report revises Deferral No. D84-10, transmitted to the Congress on October 3, 1983.

This revision of a deferral for the Limitation on Administrative Expenses (Construction) account of the Department of Health and Human Services increases the previously reported deferral from \$10,571,000 to \$21,061,187. This increase of \$10,490,187 is due to updated SSA and GSA projections of FY 1984 obligations for currently planned headquarters and field construction projects. In addition, the prior deferral only dealt with budget authority carried over from prior years, because the FY 1984 appropriation had not yet been enacted. A portion of the FY 1984 appropriation will not actually be obligated until FY 1985 based upon current GSA projections of purchase contract payments payable on SSA facilities.

[FR Doc. 83-34369 Filed 12-28-83; 8:45 am]

BILLING CODE 3110-01-C

Deferral No: D84-10A

## DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

|   |   |                |
|---|---|----------------|
| Agency/Department of Health and Human Services                  | Report budget authority (P.L. 98-139)   | \$ 44,388,000* |
| Bureau  | Other budgetary resources   | 19,461,044*    |
| Appropriation title & symbol                                    | Total budgetary resources   | 63,849,044*    |
| Limitation on Administrative Expenses<br>75X8704 - Construction | Amount to be deferred:<br>Part of year  |                |
|   | Entire year   | 21,061,187*    |
| OMB identification code:<br>75-8704-0-7-601                     | Legal authority (in addition to sec. 1013):<br><input checked="" type="checkbox"/> Antideficiency Act |                |
| Grant program   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                   |                |
| Type of account or fund:<br><input type="checkbox"/> Annual     | Type of budget authority:<br><input checked="" type="checkbox"/> Appropriation                        |                |
| <input type="checkbox"/> Multiple-year (expiration date)        | <input type="checkbox"/> Contract authority   |                |
| <input checked="" type="checkbox"/> No-year                     | <input type="checkbox"/> Other  |                |

Justification

This account provides funding for construction, expansion and renovation of the Social Security Administration's (SSA) headquarters and field office buildings. In addition, it provides funding for buildings SSA had constructed under the purchase contract method of financing authorized by the Public Buildings Amendments of 1972. This deferral represents the estimated amount of budget authority provided in current and past years which SSA will not need in FY 1984 to carry out its current plans for this account. This deferred amount results from changes to prior year construction plans. Should SSA's plans change, a revised deferral will be submitted.

Estimated Effect

None

Outlay Effect

Outlays will be reduced by \$7.6 million in FY 1984.

\*Revised from previous report

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Federal Register

Vol. 48, No. 249

Tuesday, December 27, 1983

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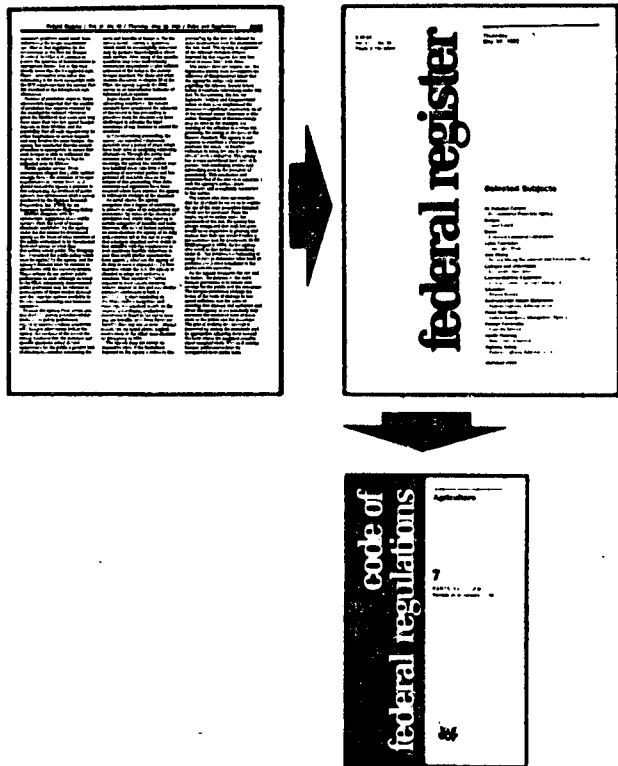
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<sup>1</sup> No amendments to these volumes were promulgated during the period Apr. 1, 1982 to March 31, 1983. The CFR volumes issued as of Apr. 1, 1982 should be retained.

<sup>2</sup> No amendments to this volume were promulgated during the period Apr. 1, 1980 to March 31, 1983. The CFR volume issued as of Apr. 1, 1980, should be retained.

<sup>3</sup> Refer to September 19, 1983, FEDERAL REGISTER, Book II (Federal Acquisition Regulation).

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